

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

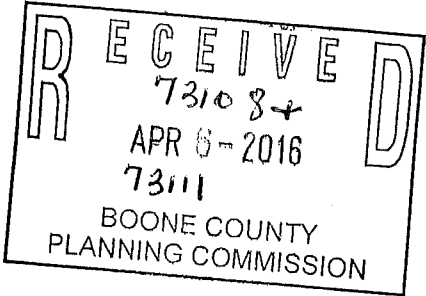
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Northern Kentucky Auto Auction
2. Location of Project South Park Dr, Hebron 047-00-00-006.00
3. Total Acreage of Site 10.33
4. Current Zoning of Site SR-1 + C-3
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) Car Auction Facility
7. Names of Applicant(s) OSAM MARDIN
8. Address of Applicant(s) 3627 West Fork Rd. Cincinnati OH 45247
9. Name of Property Owner(s) Alex Othman
10. Address of Property Owner(s) 2306 Kenyon Ct. Hebron KY 41048
11. Proposed Building Intensities (please specify) new 6,600 sf Auction bldg on 10.33 acre site
12. Are there any existing buildings on the site? no
13. Deed Book 998 Page No. 174 Group No. 2008
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? email only
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
X Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
X Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



EXHIBIT

“A”

STAFF REPORT

Request of Osam Mardin (applicant) for Alex Othman (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

May 4, 2016

REQUEST

The request consists of the following applications:

1. Request for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for a 10.33 acre site located on the north side of I-275 and approximately 1,200 feet east of the terminus of Southpark Drive to allow an auto auction facility.

The applicant's cover letter indicates public water, sanitary sewer, and Southpark Drive will be extended to the subject property. Southpark Drive will terminate in a cul-de-sac that meets the specifications found in the Boone County Subdivision Regulations. The property owner has obtained a permanent utility and roadway easement (see attachments) allowing the street and utility extensions to be constructed through the adjoining property (McGlasson property to the west).

The submitted Concept Development Plans show access to the facility will be provided from two curb cuts that are located in the future cul-de-sac. The southern access point will provide access to a 6,600 square foot auto auction building and 110 customer parking stalls. The northern access point will be gated and will serve as the car delivery entrance. A total of 799 car sales parking stalls are shown within the gated area of the site.

The building is shown approximately 54' from the I-275 right-of-way line and approximately 5' to the south of a Duke Power utility easement. A large detention basin is shown in the eastern part of the site. The plan shows three separate retaining walls will be constructed as part of the project:

- A. An approximate 605 linear foot retaining wall is shown between the parking lot and I-275. The wall ranges from 2' tall (western side) to 12' tall (eastern side)
- B. An approximate 132 linear foot retaining wall is shown between the parking lot and north and northwestern property lines. The wall ranges from 1' to 4' tall.
- C. An approximate 390 linear foot retaining wall is shown between the parking lot and north and northeastern property lines. The wall ranges from 1 foot to 8' tall.

The submitted building elevations show the building will be 26' tall and constructed with painted metal panels, split face CMU, painted sectional overhead garage doors, metal doors, cast stone sills, an aluminum storefront system, and standing seam metal roofing. The interior floor plans show the building will contain a lobby, offices, vehicle preparation area, vehicle sales area, café, and restrooms.

2. Request for a Conditional Use Permit to allow an auto auction facility in an I-1 zoning district.
3. Request of the following landscaping Variances:
 - A. Southpark Drive Frontage - A 10' wide street frontage buffer is required between the future right-of-way line and parking lot improvements per Section 3620 of the Boone County Zoning Regulations. The submitted Concept Development Plan does not show the future right-of-way line.
 - B. Northwest Property Line - A 15' wide buffer is shown between the parking lot and property line. The Boone County Zoning Regulations require Buffer Yard D to be installed between a developing I-1 property and an adjoining property, which is zoned SR-1. Buffer Yard D can be 80' wide or 40' wide with a 6' high berm, fence, or wall. Buffer Yard D contains the following plantings per 100 linear feet:
 - 20 evergreens from Plant List D (planted in a double row) and
 - 11 large trees from Plant List A
 - 40 shrubs from Plant List C
 - C. Northeast Property Line - A 10' wide buffer is shown between the parking lot and the property line. The Zoning Administrator has determined that Buffer Yard D needs to be installed between a developing I-1 property and an adjoining property, which is zoned Conservation (CONS).
 - D. Southeast Property Line - The adjoining property is zoned SR-1 and Buffer Yard D is required along this property line. The applicant needs to indicate if he will be installing the required buffer yard plantings between the parking lot and the property line.
 - E. Vehicular Use Area (VUA) Landscaping - Section 3625 of the Boone County Zoning Regulations requires 5% of the parking lots located in the front and corner side yards to be in the form of landscaping islands because the overall site contains more than 50 parking stalls. The 5% figure cannot be reduced because it's an intensity requirement. However, the applicant can seek a Variance to reduce the spacing requirements between landscape islands. The following VUA landscaping requirements apply.
 - The minimum size of planting areas shall be 9' x 18'
 - Planted areas will be required to have one tree from Plant List A per 162 square feet of area.
 - Planted areas are required at the end of every other row of parking and when parking adjoins each other at or near right angles.
 - Planted areas that are a minimum of 600 square feet will be required if rows of parking are unbroken for 180 linear feet or more.
 - All planting islands shall have minimum 6" curbs and contain grass or ground cover.

SITE CHARACTERISTICS

The approximate 10.33 acre site has 942' of frontage on the north side of I-275. Boone County GIS shows the topography of the parcel is 858 feet above sea level at the center of the site, 830 feet above sea level at the rear property line, 816 feet above sea level along the western property line, and 806 feet above sea level along the eastern property line. A Duke Power high voltage electric tower is located within a 100' easement near the center of the site. With the exception of the electric easement area, the property contains significant tree cover. Public water and sanitary sewer main do not exist on site. Public water mains exist in the I-275 right-of-way and in the industrial park. Sanitary sewer mains are located in the industrial park. Underground gas pipeline markers are visible on the property.

ADJACENT LAND USES AND ZONING

- Northeast: Carder-Dolwick Nature Preserve (CONS)
- Northwest: Undeveloped Property (SR-1 and C-3). This tract would contain the Southpark Drive road extension if the applications are approved
- Southeast: Undeveloped Property (I-1)
- Southwest: I-275, Farm Properties Fronting on North Bend Road (I-1), and Single-Family Residential Dwelling Fronting On Elijah Creek Road (I-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site and adjoining property (road and utility extensions) for "Industrial" and "Developmentally Sensitive" uses. These designations are described as follows:

Industrial (I) - "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

Developmentally Sensitive (DS) - Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The

degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development.

The Land Use Element makes the following statement regarding the general area:

- A. Some Business Park development is appropriate adjacent to the SouthPark project and I-275, with access provided by the extension of SouthPark Boulevard. Again, this development must be carefully planned to avoid negative impacts to Developmentally Sensitive hillsides near Elijah Creek. The Carder-Dolwick Nature Preserve is an indication of the importance of this valley as a natural area (Hebron Area, pg 178).

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pp. 161-162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Buffering, pp. 162-163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales

should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 163).

- D. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg 163).

- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).
- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Access Management, pg. 163).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and

developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns Transportation and Pedestrian Network, pp. 163-164).

- H. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.

The proper application of these guidelines helps, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines (Design, Signs, and Historic Preservation, pg 164).

The Business Activity Element provides the following passages that relates to the area in question:

- A. A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2035, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas. In general, areas planned for non-extractive industrial uses should not be changed to allow other land uses to develop. The Northern Kentucky Tri-County Economic Development Corporation has identified a need for industrial building sites that have the necessary infrastructure and zoning and are ready to develop (Recommended Areas of Industrial and Office Activity, pp. 70-71).
- B. The KY 237 and Mineola Pike I-275 Interchanges will experience continued industrial development in addition to the previously outlined commercial/office development. The mixture of uses should be carefully designed and planned to minimize negative impacts. The existing and future residential uses must be adequately buffered from the new development in these two interchange areas (Recommended Areas of Industrial and Office Activity, pp. 70-71).

The Transportation Element provides the following comment that relates to the proposal:

- A. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in the county. The plan informs all persons, public and private, of the anticipated road, transit, bike, and pedestrian improvements that will be necessary to accommodate the growth expected through the planning horizon. This plan has helped the county and cities to justify their requests for state and federal funding.

The following Goals and Objectives relate to the requests:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure (Overall, Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments (Overall, Objective).
- C. Proper design principles shall be applied in development (Overall, Objective).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed (Overall, Objective).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner (Overall, Objective).
- F. The Elements of the Comprehensive Plan shall be interrelated and consider potential negative impacts and benefits of growth beyond the planning horizon (Overall, Objective).
- G. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth (Population, Goal).
- H. Land use planning should fully recognize natural systems (streams, wetlands, forests, etc.) that contribute to the public's safety, health, economic stability, and overall quality of life and carefully consider the impact of development upon such assets (Environment, Goal).
- I. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community (Environment, Objective).
- J. Developmentally Sensitive areas and scenic areas shall be identified, mapped, and standards shall be established for the preservation and restoration of these areas. Developments that are proposed in any of these areas shall be carefully reviewed according to these standards to assure negative environmental impacts are minimized (Environment, Objective).
- K. Development design shall consider natural or ecological systems, such as wildlife habitats, air, and water (Environment, Objective).
- L. Developmentally Sensitive hillsides in Boone County must be given special consideration, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed and monitored to adequately maintain the environmental integrity of the hillsides (Environment, Objective).

- M. Watersheds shall be studied and monitored so as to prevent flooding and erosion and also promote habitats for wildlife (Environment, Objective).
- N. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective).
- O. The incremental effects of developments on the environment, including but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed with public involvement (Environment, Objective).
- P. Boone County shall promote a vibrant and sustainable economy that encourages innovation and prosperity with meaningful employment opportunities for all its citizens and respects the physical environment (Economy, Goal).
- Q. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- R. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage (Business Activity, Objective).
- S. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies (Business Activity, Industrial Objective).
- T. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- U. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- V. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system (Transportation, Goal).
- W. The incremental effects of developments on the transportation system shall be evaluated and provided for (Transportation, Goal).
- X. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Goal).

RELATIONSHIP TO THE BOONE COUNTY TRANSPORTATION PLAN 2030

The following passages and information relates to the request:

- A. The current (2005) level of service (LOS) on KY 237, between KY 18 and Worldwide Boulevard is LOS A. The average daily trips on this section of road is 18,987 (Exhibit 2-7).
- B. The projected LOS on KY 237, between KY 18 and Worldwide Boulevard, in the year 2030 is either an A or an E depending upon the section of road that is being analyzed (Exhibit 3-8).

- C. Southpark Drive currently (2005) has LOS A and there are 3,800 average daily trips. The average daily trips on this road will be 7,374 in the year 2030 and the LOS will be a C. (Exhibit 3-9).

CRITERIA FOR GRANTING VARIANCES AND CONDITIONAL USE PERMITS

Section 303 of the Boone County Zoning Regulations states that "at the time of filing an application for a Zoning Map Amendment, an applicant may also request a dimensional variance and/or conditional use permit for the same development".

The Planning Commission needs to evaluate the Variance requests as they relate to the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

The Planning Commission needs to evaluate the Conditional Use Permit request as it relates to the criteria listed in Sections 262 and 1133 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Findings listed in Section 1133 (Findings for Conditional Uses in the I-1 zone)

- A. The activity is provided primarily in support of and obtains its trade from the employees of the district; or
- B. The activity is of integral relation to the purpose of the district;
- C. The use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- D. Provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

STAFF COMMENTS

1. The applicant's business description states the auction will be primarily a platform for tri-state dealerships, banks, car rental agencies, and governmental agencies to liquidate their vehicle inventory. It will be open solely to dealers on Fridays, and both dealers and the public on Saturdays and Sundays. Inventory will be received in small batches over the course of the week. Due to current traffic issues on South Park Drive, auction hours are planned as follows:

Friday: 9 am - 2 pm (Dealers only)
Saturday: 9 am - 1 pm (Dealers/Public)
Sunday: 9 am - 1 pm (Dealers/Public)
2. Staff would like applicant to address the following:
 - A. Could the proposed days or hours be expanded if the business is successful?
 - B. What types of vehicles could be auctioned? Is it limited to automobiles, light trucks, vans, and sports utility vehicles?
 - C. The business description indicates the auction inventory will be received gradually over the course of the week. How will this be monitored or controlled? Will most of the vehicles come in on tractor trailers?
 - D. Would all purchased vehicles be driven off-site by the purchasers the day they are sold?
 - E. The business description indicates that vehicles can be test driven on the day of the sale. Where will the test drives occur?
 - F. Can the retaining wall along the I-275 frontage be moved towards the parking lot so the required Buffer Yard plantings will screen it from the Interstate? In addition, Staff would like the applicant to provide retaining wall block samples so the visual impacts can be addressed.

- G. Is any parking lot lighting being proposed? If so, how tall would the poles and fixtures be?
 - H. Would restroom facilities be limited to those that are shown inside the building or could portable facilities be provided in the lot?
 - I. Would food and drink sales be limited to the café that is shown inside the building?
 - J. Will the facility have an intercom or speaker system?
 - K. Will any banners, streamers, flags, lights, or inflatable balloons be used to advertise the events or vehicles for sale?
 - L. Has a cost estimate been obtained to construct the road and retaining walls?
 - M. Can the gas pipeline be shown on the plans?
3. Staff would like to make the applicant aware of the following:
- A. The Southpark Drive road extension will have to be built to public specifications. The Boone County Subdivision Regulations require a sub-collector street to be built. Sub-collector streets have a minimum 50' right-of-way, 28' of pavement, curbing, sidewalks on one side of street, and a 10% maximum street grade.

Once constructed and inspected the road and right-of-way would be publically dedicated to the County through the Final Plat process. Staff would like the applicant to make the adjoining property owner to the northwest aware of this. At this time, the adjoining property owner has only granted the property owner a permanent utility and roadway easement through his property, and not a right-of-way.
 - B. The length of a cul-de-sac street cannot exceed 1,200 linear feet unless a Waiver is approved (See Section 305 (M) of the Boone County Subdivision Regulations).
 - C. The current cul-de-sac design does not meet the requirements of the Boone County Subdivision Regulations (see attachment).
 - D. The proposed road extension will cross an intermittent blue stream on the adjoining property. The stream is a tributary that flows to Elijah's Creek. The applicant needs to contact the Kentucky Division of Water, Water Quality Branch, to verify what Permits will be needed.
 - E. A Waiver will need to be approved to allow the development to have two curb cuts. Section 3221 of the Boone County Zoning Regulations requires a development to have 500 feet of road frontage before a second curb cut would be permitted.
 - F. The applicant's cover letter indicates that a pole sign will be constructed along the interstate frontage and a monument sign will be constructed at the main entrance. Section 3413 of the Boone County Zoning Regulations permits the property to have one monument sign, which is a maximum of 10' tall and 100 square feet in area.
 - G. The plans show 6' tall vinyl fencing will be constructed to secure the car sales parking lot. The fencing shown in the front and corner side yards can only be permitted with a decorative design, 50% opacity or less, and an overall height of 4' or less.

4. The Planning Commission and Boone County Fiscal Court need to analyze the following findings before acting on the Zoning Map Amendment request:
 - A. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 - B. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 - C. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.
5. K.R.S. 100.203 (6) (b) and Section 303 of the Zoning Regulations states that the Conditional Use Permit and Variance applications submitted with a Zoning Map Amendment shall be heard and decided by the Planning Commission. The Planning Commission needs to review the application in terms of the standards and criteria that are listed in Sections 251, 262, and 1133 of the Boone County Zoning Regulations.
6. Staff has the following concerns regarding the applications:

Relationship to the Comprehensive Plan (see references on pages 3-8).

- A. The proposed road extension is being constructed through a developmentally sensitive area on the adjoining property. The road will need to cross an intermittent blue line stream and significant grading and clearing will need to occur. The topography falls approximately 68 feet (856' to 788' feet above sea level) from the end of Southpark Drive to the stream and rises approximately 70' (788' to 858' above sea level) between the stream and Duke Electric tower on the site (see the Land Use Element text).
- B. The location of the project next to the Carder-Dolwick Nature Preserve.
- C. The majority of the 10.33 acre parcel is being cleared of trees and vegetation.
- D. The lack of buffering and landscaping being installed as part of the project.
- E. The aesthetic appearance of the facility from I-275. The facility includes a 6,600 square foot metal building, 909 parking stalls, and an approximate 605 linear foot retaining wall in the I-275 street frontage landscaping buffer.
- F. The proposed development could compound the existing traffic problems in the subdivision. Staff recommends that a Traffic Study should be prepared because the development will generate traffic throughout the week. The applicants needs to when vehicles are delivered and driven away by the buyers.

Variance Criteria

Staff questions if the Variances are in agreement with the following criteria:

- A. The requests will not alter the essential character of the general vicinity.
- B. The requests will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.

- C. The requested variances arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- D. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Conditional Use Permit Criteria

Staff questions if the Conditional Use Permit is in agreement with the following criteria:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
- C. The activity is provided primarily in support of and obtains its trade from the employees of the district; or
- D. The activity is of integral relation to the purpose of the district;
- E. The use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- F. Provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Other Issues

- A. Staff would like the applicant to prepare some preliminary road plans showing that the road can be constructed to public specifications.
 - B. The construction of the road will need to be coordinated with the Verst Group because one of their driveway entrances is located in the Southpark Drive right-of-way (see the 1997 agreement between Oak Investments, LLC and Boone County).
6. Staff sent out an agency memo on 4/11/16. Staff received comments back from Boone County Sheriff's Department, Duke Energy, Sanitation District No. 1, Hebron Fire Department, and Boone County Public Works (see attachments).
- A. Boone County Sheriff's Department - Given the fact the proposed business hours would be mid-day and primarily on weekends, it is their opinion the development would not cause traffic issues.
 - B. Duke Energy rejected the current plans because of the proposed grading around the tower structure and grading slope. They included a list of requirements. They also indicated the gas main would probably need to be reinstalled across the property because of the grade changes. They will not allow grade cuts over the main and will only allow 2 feet of fill.

- C. Sanitation District No.1 - The developer needs to contact them about making a connection once capacity has been reserved.
 - D. Hebron Fire Department - Has no issues at this time.
 - E. Boone County Public Works - The street needs to meet all current Subdivision Regulations. It's expected a bridge or large culvert would be necessary to span the stream. Prior to accepting the street, the County will need more information related to the stream crossing and supporting documentation from the Division of Water and Army Corps of Engineers. Is the applicant prepared to pay these costs and the costs of completing Southpark Drive in the existing right-of-way?
7. Project 415 is on the Kentucky Transportation Cabinet's Six Year Highway Plan. Construction is scheduled to start in 2017/2018.

The plans show the following improvements:

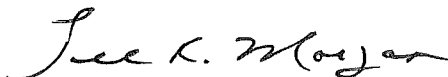
- A. Two left hand turn lanes on northbound KY 237 for motorists that are turning on Worldwide Blvd.
- B. Two right turn lanes on Worldwide Boulevard for motorists that are turning southbound on KY 237
- C. One additional northbound and southbound lane on KY 237 between Global Way/Tanner Road and the first roundabout.
- D. The plan does not impact Southpark Drive.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of K.R.S. 100.213 and Article 3 of the Boone County Zoning Regulations. The Future Land Use Map will not need to be amended if the request is approved.

The Planning Commission needs to review the Conditional Use Permit and Variance applications in terms of Sections 251, 262, and 1133 of the Boone County Zoning Regulations.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

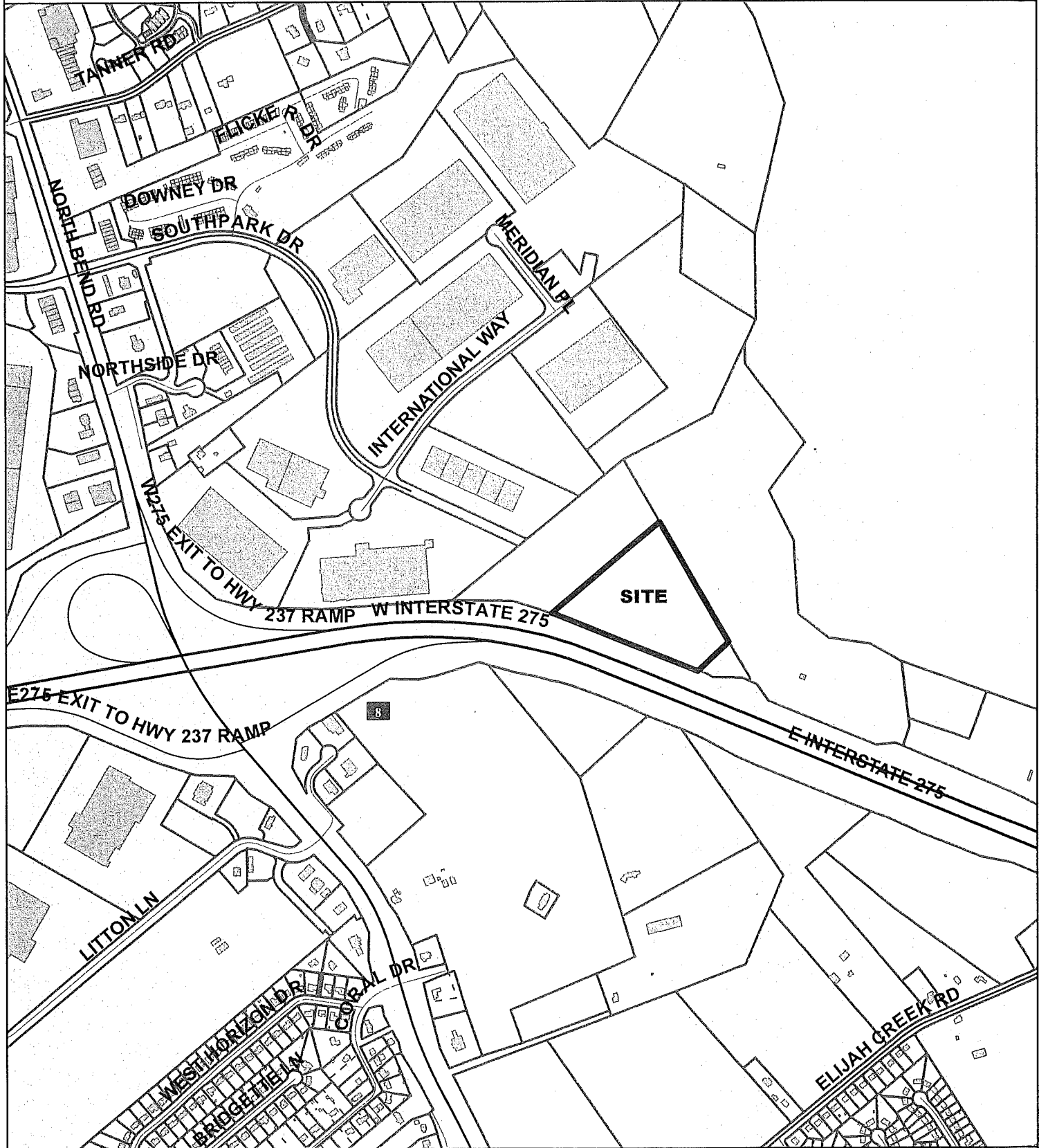
TKM/tlb

Attachments:

- *Site Vicinity Map
- *Cover Letter, Addendums, and Concept Development Plans submitted by Applicant
- *2012 Aerial Map
- *Topographical Map
- *Zoning Map
- *2035 Future Land Use Map
- *4/11/16 Agency Memo
- *4/14/16 Email From Major Bill Mark, Boone County Sheriff's Department
- *4/22/16 Email From Greg Haggard, Sanitation District No. 1
- *4/25/16 Email Exchanges between Lori Young (Duke Energy) and the Applicant
- *4/26/16 Email From Asst. Chief David Perkins, Hebron Fire Protection District
- *5/2/16 Email From Scott Pennington, Boone County Public Works
- *5/2/16 Email From John Perkins, Duke Energy
- *Southpark, Section 3 - Final Plat
- *Page C.10 from Boone County Subdivision Regulations
- *1997 Agreement Between Oak Investments, L.L.C. and Boone County
- *Application

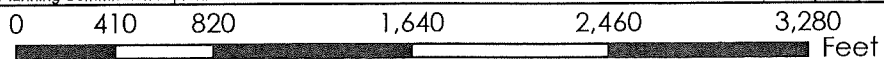
ITE VICINITY MAP

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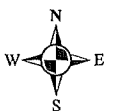


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1 inch = 800 feet



Boone County GIS - Putting Northern Kentucky on the Map



March 24, 2016

Boone County Planning Commission
2950 Washington St, Room 317
PO Box 958
Burlington, KY 41005

**RE: ZONING MAP AMENDMENT
CAR AUCTION FACILITY
SOUTH PARK DRIVE
HEBRON, KY 41048
LOT# 047.00-00-006.00**

Dear Planning Commission Members:

Mr. Alex Othman has purchased the property off of South Park Dr. with the intention of developing it. There is currently no development on the site, and it is immediately surrounded by undeveloped parcels.

The property is a 10.375 acre site currently zoned SR-1. (The legal description can be found as Addendum #4) It is bordered by a CONS district to the north east; the adjacent 1 acre property to the east (a remnant corner from the I-275 construction) is also SR-1; the property to the west is a C-3 & SR-1; and I-275 is to the south. Due to severe grading issues, the adjacent properties to the East and West are likely undevelopable. The closest developed property is along South Park Dr. (which would serve as access to this site). These properties are zoned I-1/CD.

The current zoning of SR-1 predates the construction of the highway. Due to the proximity to I-275, the property is not suitable for residential construction. Mr. Othman would like to propose that the site be rezoned to I-1 to match the properties on South Park Dr. In our opinion, based on site grading conditions, that you would travel through an I-1 district to access the site, and its proximity to I-275, this is the best use for this site.

Mr. Othman is the owner and developer of numerous properties of different types in Boone County. Mr. Othman purchased this property in 2014, and has given careful consideration to the best development of the site since his purchase. Based on industry trends and market voids, Mr. Othman has found a use for the site that capitalizes on its location and visibility, with minimal impact on the current peak traffic problems on South Park Dr., a car auction facility.

Therefore, with the rezoning to I-1, Mr. Othman requests that the board consider a conditional use of a car auction facility for this site.

The proposed design would be to create two parking lots (car storage and public) at a total of 810 spaces and a 6,600 square foot auction building. The site is accessed through a new road

professional design associates, inc.
3627 west fork road cincinnati, oh 45247
p.513-661-2565 f.513-661-0420
www.pda-ae.com

that will be built through the west property to South Park Dr. Per discussions with the County Engineer, this road would be constructed as an extension of South Park Dr., to county standards, and terminate in an 80 foot diameter turn-around circle on Mr. Othman's property. Mr. Othman has secured the easement to run this road through this property (see Addendum #5).

Public utilities will be provided to the site from the neighboring South Park Dr. development. Storm water detention will occur at the east end of the site in a 50,000 cubic foot basin, with controlled release into the existing watershed.

The 26' high building will be painted with natural tones so as to not be visually jarring from the interstate. (See elevations and plan for reference) A pole sign will be placed at the southwest corner of the site for visibility from the interstate, and a monument sign will be placed at the traffic circle for local traffic and directional orientation.

The owner is also requesting a variance from the following landscaping requirements:

Perimeter buffer landscaping - the majority of the existing perimeter dense vegetation shall remain so additional perimeter landscaping to the West, North, and East seems unnecessarily redundant. Since visibility is imperative from the interstate, the owner is requesting a variance from the requirements at the south of the property. (See Addendum # 6 for existing aerial photo)

Interior Landscaping for Vehicular Use Areas – We are showing landscaped areas lining the traffic circle, privacy fence, and at the end islands for the public parking area. The owner seeks a variance from the 180' dimension for interior islands at this lot. The owner wishes to minimize site impact in achieving his minimum number of parking stalls for profitability. Any spaces lost due to additional island landscaping will only expand the development footprint. The owner also seeks a variance from all parking landscaping in the car sales lot. This will minimize the development footprint, make car visibility and wayfinding easier, and help keep the vehicles clean for display. Since this lot will be screened from the public by existing perimeter dense vegetation, and the vision tight fence to the west, and the zoning required landscaping would present a hardship for this business and site, we think this is a reasonable request.

Mr. Othman has proven to be a valuable and contributing investor in Boone County. In our opinion this development will have a positive impact on the county and neighborhood, and we hope that the Planning Commission will look favorably on this "Zoning Map Amendment". Without the Planning Commission's assistance on this matter, job and sales tax income for the county could be lost.

We thank you for the opportunity to work with you on this job. If you have any questions, please do not hesitate to call.

Sincerely,
Professional Design Associates, Inc.

O'Sam R. Mardin, R.A., LEED AP
Project Manager

Car Auction Facility – Hebron, KY
April 05, 2016
Page 3

Addendum #1 – Business Description
Addendum #2 – Zoning Map
Addendum #3 – Adjacent Property Owners
Addendum #4 – Property Legal Description
Addendum #5 – Easement through Adjacent Property for Access Road
Addendum #6 – Aerial View of Existing Vegetation

Z-1 Existing Site Plan
Z-2 Zoning Site Plan
Z-3 Proposed Building Plan
Z-4 Proposed Building Elevations

Addendum #1 - Business Description:

The Northern Kentucky Auto Auction business idea sparked from the fact that there is a need for a platform where both individuals and dealers can conveniently sell their vehicles in Northern Kentucky through either an auto auction or standard sales.

The mission is to provide safe, fast and fair sales of vehicles through pre-sale preparation, the auction floor, and post-sale services. The auction does not claim the ownership of the vehicle but rather receives a fee for the service provided. The success will be based on providing fast and excellent services while keeping minimum car inventory in hand.

The auction will be primarily a platform for the tri-state dealerships, banks, car rental agencies and government agencies to liquidate their vehicle inventory. It will be open solely to the dealers on Fridays, and to both dealers and the public on Saturdays and Sundays. Inventory will be received in small batches gradually over the course of the week. Due to current traffic issues on South Park Dr., the auction hours are planned as follows:

Friday:	9am-2pm (Dealers only)
Saturday:	9am-1pm (Dealers/Public)
Sunday:	9am-1pm (Dealers/Public)

Security and accuracy will be a high priority. To minimize traffic disruptions, vehicles will be required to be checked in a minimum of 24 prior to the auction day. The company will have a computer based system in-house to receive the consignments which will be scanned by VIN into the system. The VIN number will be verified and once cleared a record will be created for the car and an inspection will be performed to verify that everything that was reported about the car is valid. Then it will be scheduled for an auction day based on capacity and sale type.

On the day of the auction the dealers or public will park in the public lot and then register in the building to purchase a vehicle. They will then be able to tour and test the car inventory before the sale. After purchase, the administrative office that will process the payment and finalize the title transfer. In-house financing through a financial institution and auto-detailing will be additional supplemental services available on site.

In our opinion this development will have a positive impact on the county and neighborhood, and will be in compliance with zoning requirements of this area. We hope that the Planning Commission will look favorably on this "Zoning Map Amendment". Without the Planning Commission's assistance on this matter, job and sales tax income for the county could be lost.

Addendum #2 – Zoning Map



Addendum #3 – Adjacent Property Owners

West Property:

Property Info: 047.00-00-005.00
Lakeview Farms

Owner: Melvin McGlasson
2580 North Bend Road
Hebron, KY 41048

North Property:

Property Info: 047.00-00-018.02
1570 Elijah Creek Rd.
Carder Dolwick Nature Preserve

Owner: Hillside Trust
3012 Section Rd.
Cincinnati, OH 45275

East Property:

Property Info: 047.00-00-007.00
2674 North Bend Rd.

Owner: Larry & Margaret McGlasson
2674 North Bend Road
Hebron, KY 41048

South Property:

I-275 owned and maintained by the Commonwealth of Kentucky

*GALEN MCGLOSSON
2580 North Bend Road
HEBRON, KY 41048*

*Larry + Margaret McGlasson
2674 North Bend Road
Hebron, KY 41048*

*DONOGHUE-MULDOON LLC
PO Box 104
HEBRON, KY 41048*

~~EXHIBIT B~~

GROUP No. 2008

PARCEL B

Located in Boone County, Kentucky, lying on the north side of Interstate Highway 275 east of Kentucky Highway 237 and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983.

Beginning at an iron pin (set) in the north right-of-way line of Interstate Highway 275 at the common corner of Richard Lynn Anderson (Deed Book 915, page 938) and Galen McGlasson, et al (Deed Book 484, page 205); thence with the common line of Anderson and McGlasson N 49°32'39" E 853.20 feet to an iron pin (set) in the south line of The Hillside Trust (Deed Book 338, page 17); thence with the common line of Anderson and The Hillside Trust S 29°35'47" E 837.26 feet to an iron pin (set) at the common corner of Anderson and Larry McGlasson (Deed Book 249, page 42); thence with the common line of Anderson and McGlasson S 47°57'21" W 247.98 feet to an iron pin (set) in the north right-of-way line of Interstate Highway 275; thence with said right-of-way line N 67°30'30" W 293.66 feet to point; thence N 69°24'31" W 648.68 feet to the point of beginning containing 10.375 acres and being subject to all right-of-ways and easements of record.

Being all of the remaining portion of Parcel II lying on the north side of Interstate Highway 275 conveyed to Richard Lynn Anderson and Deborah Anderson, husband and wife, by deed recorded in Deed Book 915, page 938, in the Boone County Clerk's Office in Burlington, Kentucky.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, November 2006.

BOONE COUNTY D998 PG 177

DOCUMENT NO: 577936
 RECORDED ON: OCTOBER 25, 2011 @ 1:10:58PM
 TOTAL FEES: 120.00
 TRANSFER TAX: \$112.00
 GROUP: 2008
 COUNTY CLERK: KERRY BROWN
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: JULIE SPANGLING
 BOOK D998 PAGES 174 - 177

~~EXHIBIT D~~

PERMANENT UTILITY AND ROADWAY
EASEMENT TO BE GRANTED BY
GALEN McGLASSON, et al

BOONE COUNTY KENTUCKY

TERMINUS OF SOUTHPARK DRIVE
NORTH OF INTERSTATE 275

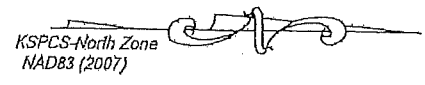
FEBRUARY 6, 2014 SCALE: 1"=100'

GREGORY A. LARLSON, PLS

10629 CHESHIRE RIDGE DRIVE
FLORENCE, KY 41042
859.371.1712

GROUP NO.: 2008
PIDN: 047.00-00-005.00
PERMANENT EASEMENT AREA: 0.772 ACRES

NOTE: THIS PLAT DOES NOT REPRESENT A
BOUNDARY SURVEY AND WAS NOT PREPARED TO
STANDARDS OF PRACTICE AS DEFINED BY 201 KAR
18:150



AKRAM OTHMAN
DEED BOOK 998, PG. 174
PARCEL B

PARCEL I

MELVIN R. McGLASSON &
JEAN McGLASSON, 1/2 INTEREST
GALEN W. McGLASSON &
MARGARET B. McGLASSON, 1/2 INTEREST
DEED BOOK 484, PAGE 205

S49°32'38" W
77.13'

S65°16'48" E 479.80'
N63°16'48" W 480.98'
U.L.H. & P. CO. EASEMENT

N50°20'00" E 38.81'
N50°20'00" E 38.81'
N50°20'00" E 38.81'

SOUTHPARK DEVELOPMENT
SECTION 1
SLIDE 1295

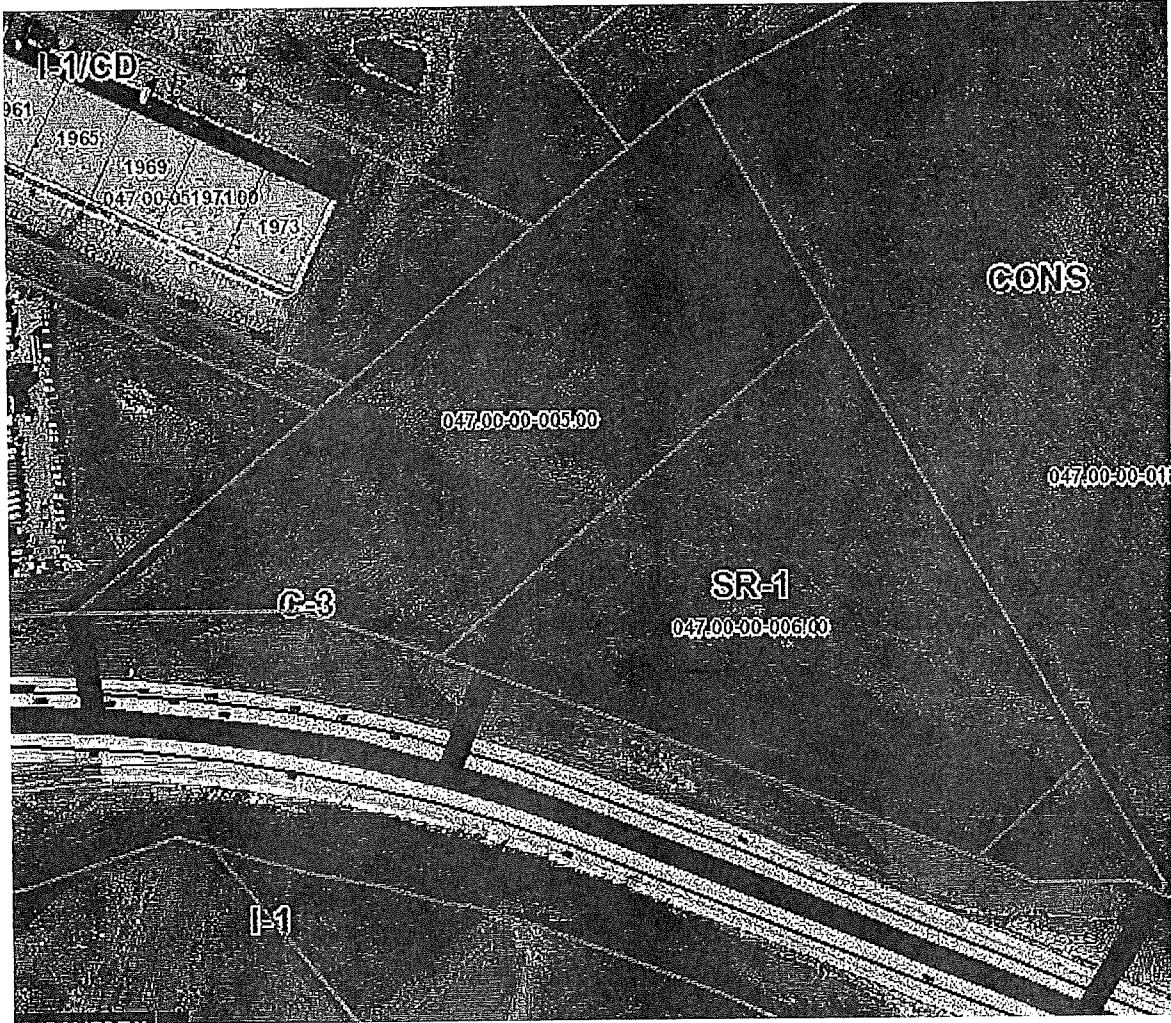
LOT 3

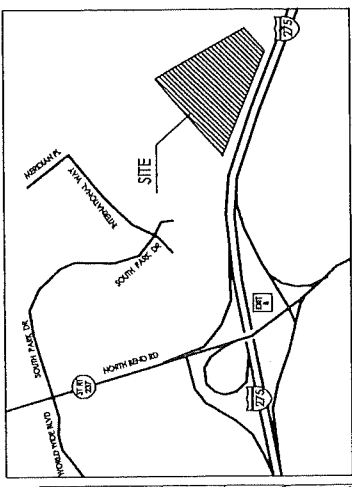
SOUTHPARK DEVELOPMENT
SECTION 3
SLIDE 3348

LOT 14

SOUTHPARK DRIVE
Public Rwy
7/16/1982

Addendum #6 – Aerial View of Existing Vegetation





VICINITY MAP




EXISTING SITE PLAN

SCALE: 1" = 50'-0"

project
**ZONING MAP
 AMENDMENT**
 FOR
**NEW CAR
 AUCTION
 FACILITY**
 SOUTH PARK DR.
 HEBRON, KY
 41048

client
ALEX OTHMAN
 1774
 AIRPORT EXCHANGE
 BLVD.
 ERLANGER, KY
 41018

seal

 ALEX OTHMAN
 PROFESSIONAL ENGINEER
 STATE OF KENTUCKY
 NO. 1774
 EXPIRES 12/31/2016

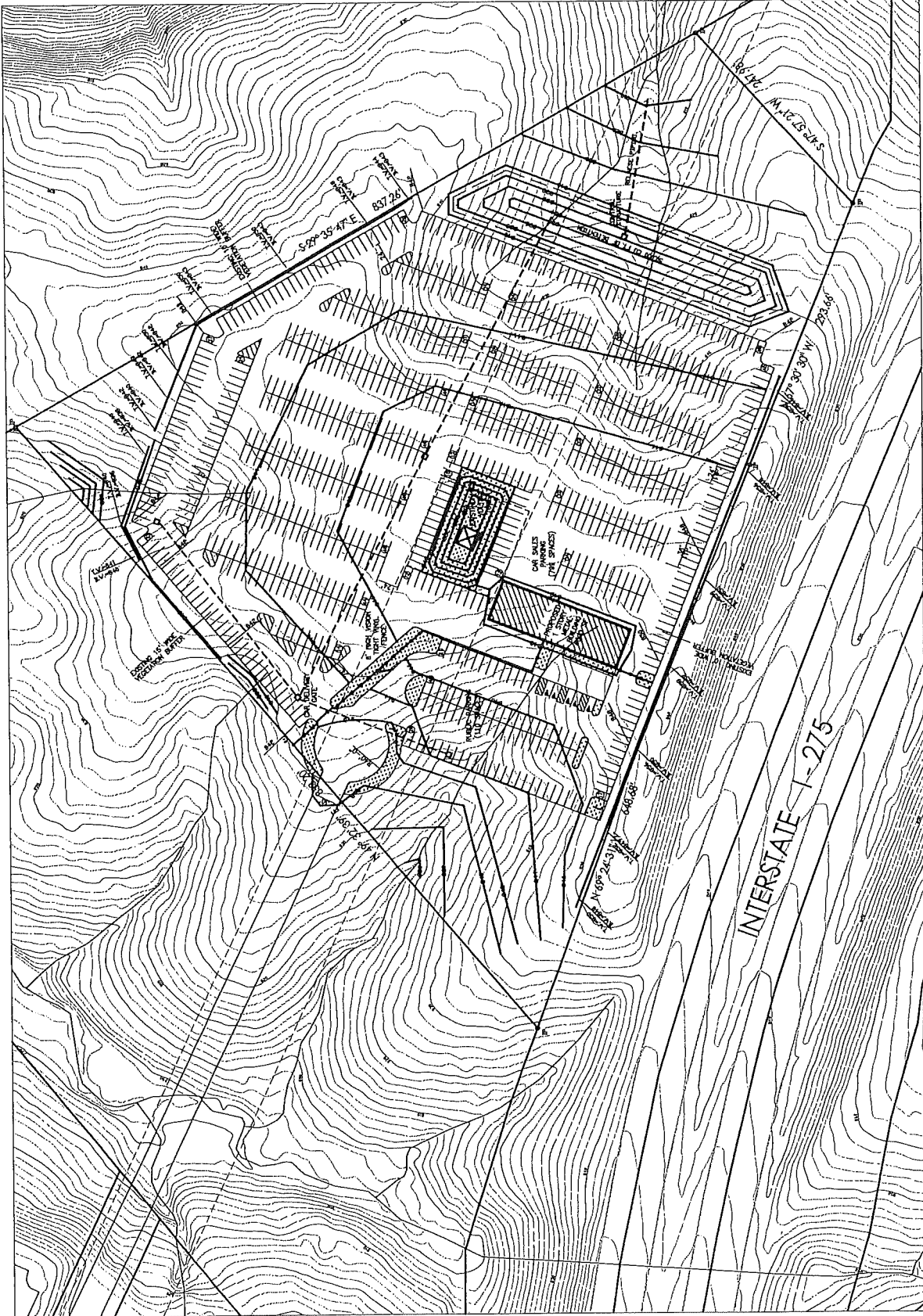
drawn / approved
 O.A.M. / J.T.R.

date
 05 APR 2016

file
 16-148

sheet
Z-2

of 4



ZONING SITE PLAN (F)
 SCALE: 1" = 30'-0"

project

NEW CAR
 AUCTION
 FACILITY
 SOUTH PARK DR.
 HERON, KY
 41048

client

ALEX OTHMAN
 1794
 AIRPORT EXCHANGE
 BLVD.
 ERLANGER, KY
 41018

lead



DATE OF ORIGINAL ISSUE
 REVISIONS

drawn / approved

O.R.M. / J.T.R.

date

05 APR 2016

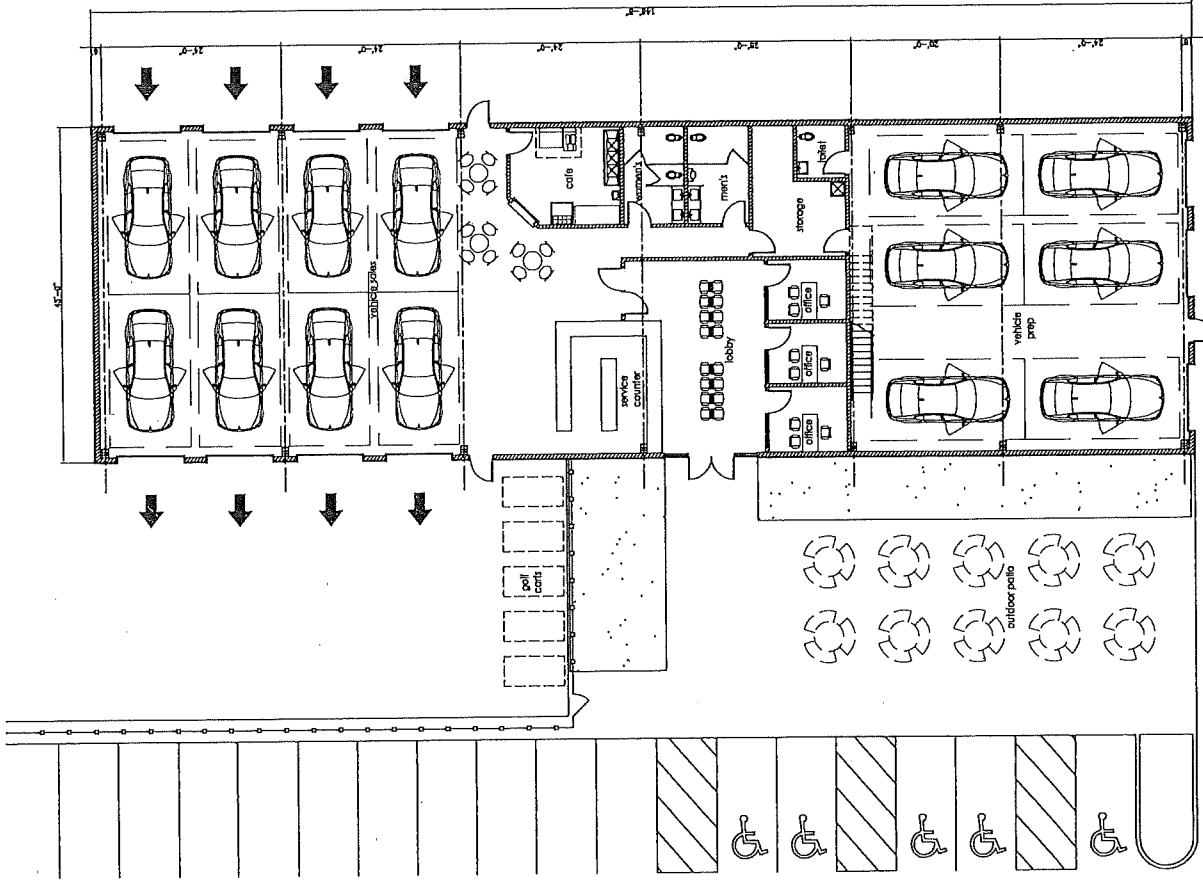
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sheet

Z-3

of 4



PROPOSED PLAN
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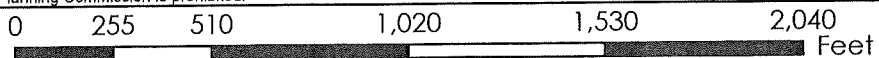
2012 AERIAL M.P

www.boonecountygis.com

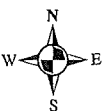


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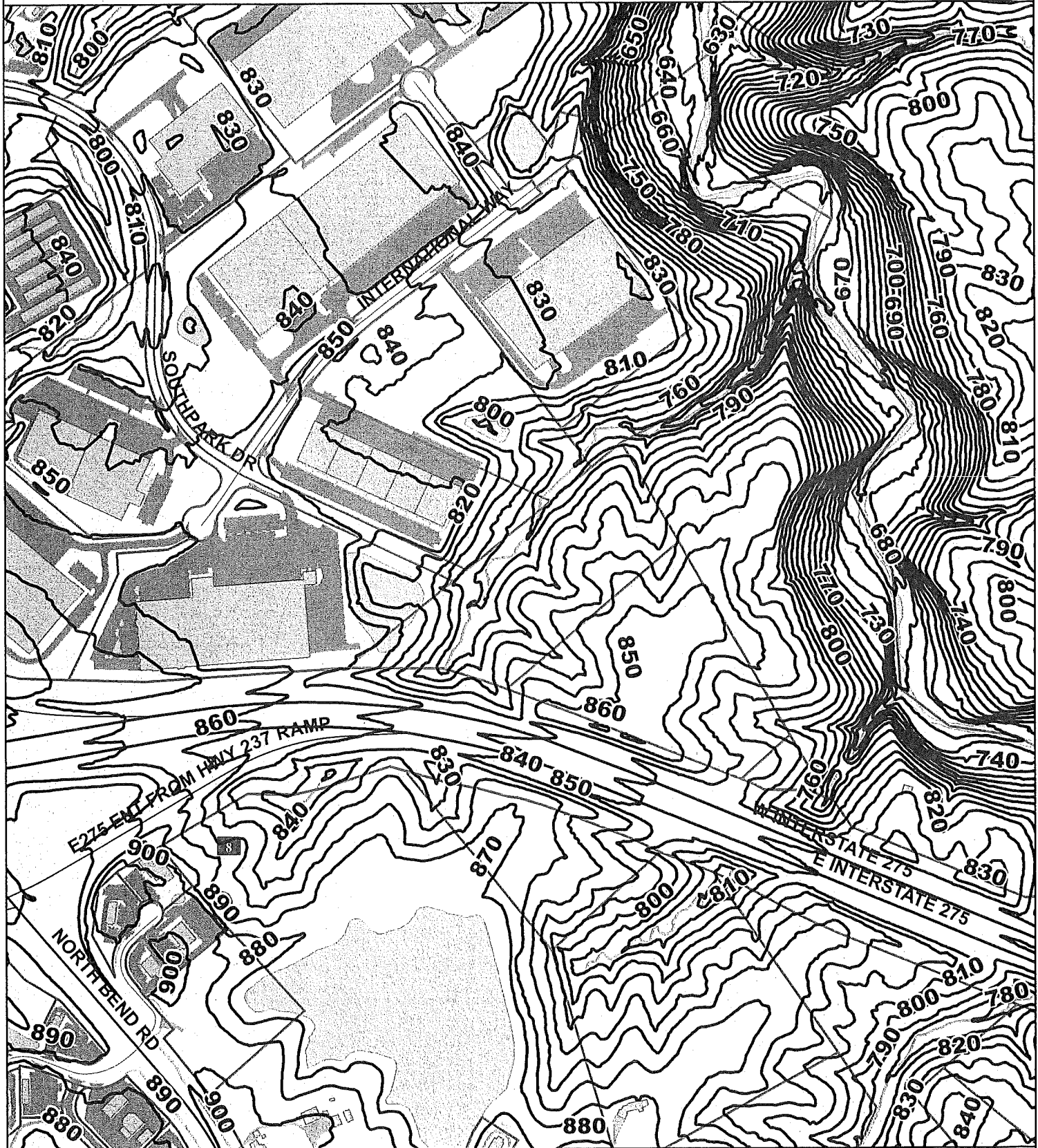
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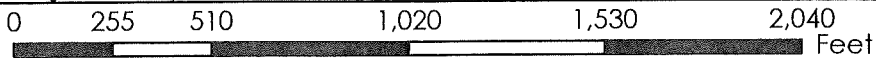
TOPOGRAPHICAL MAP

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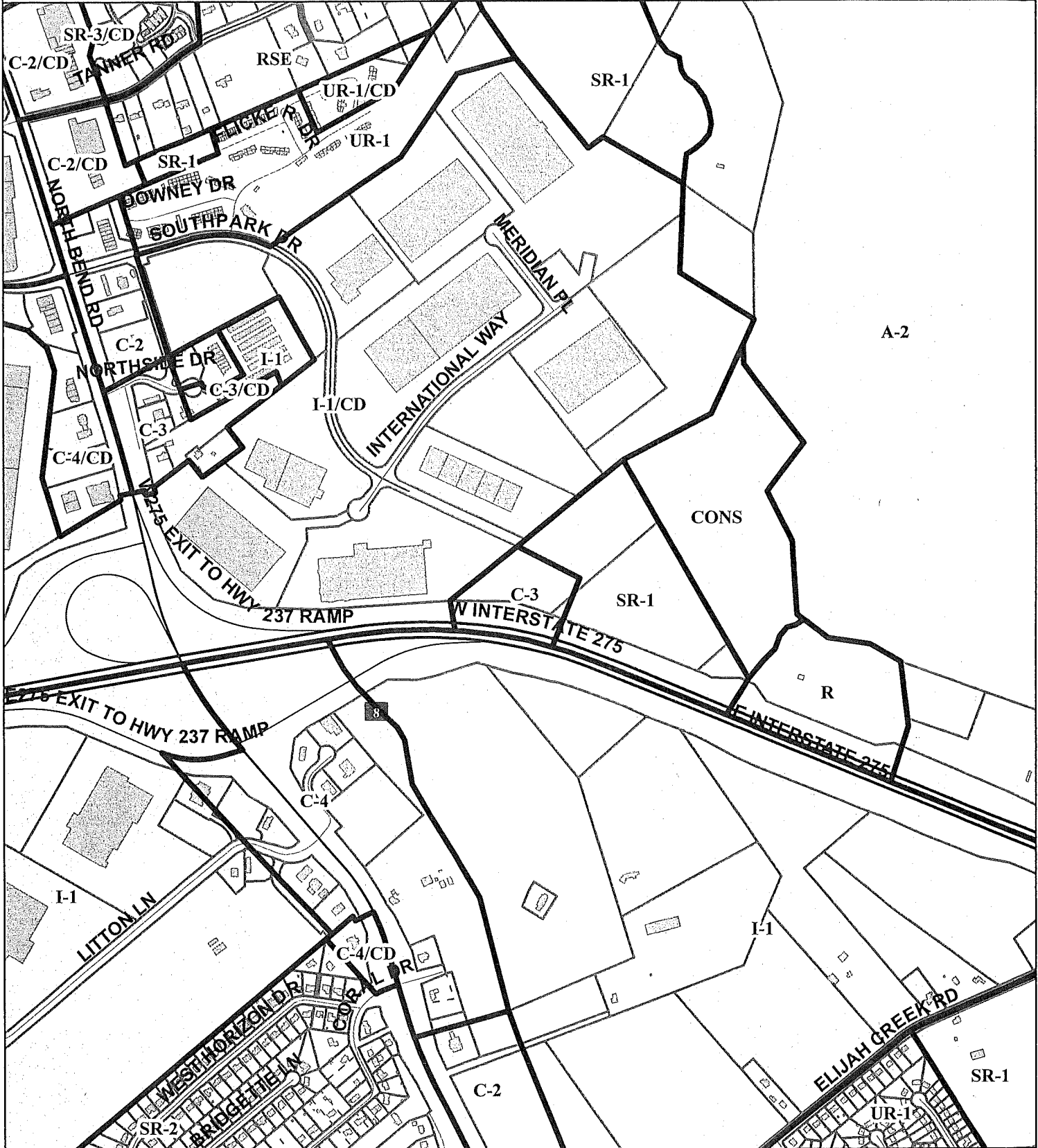
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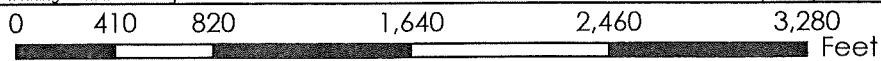
ZONING MAP

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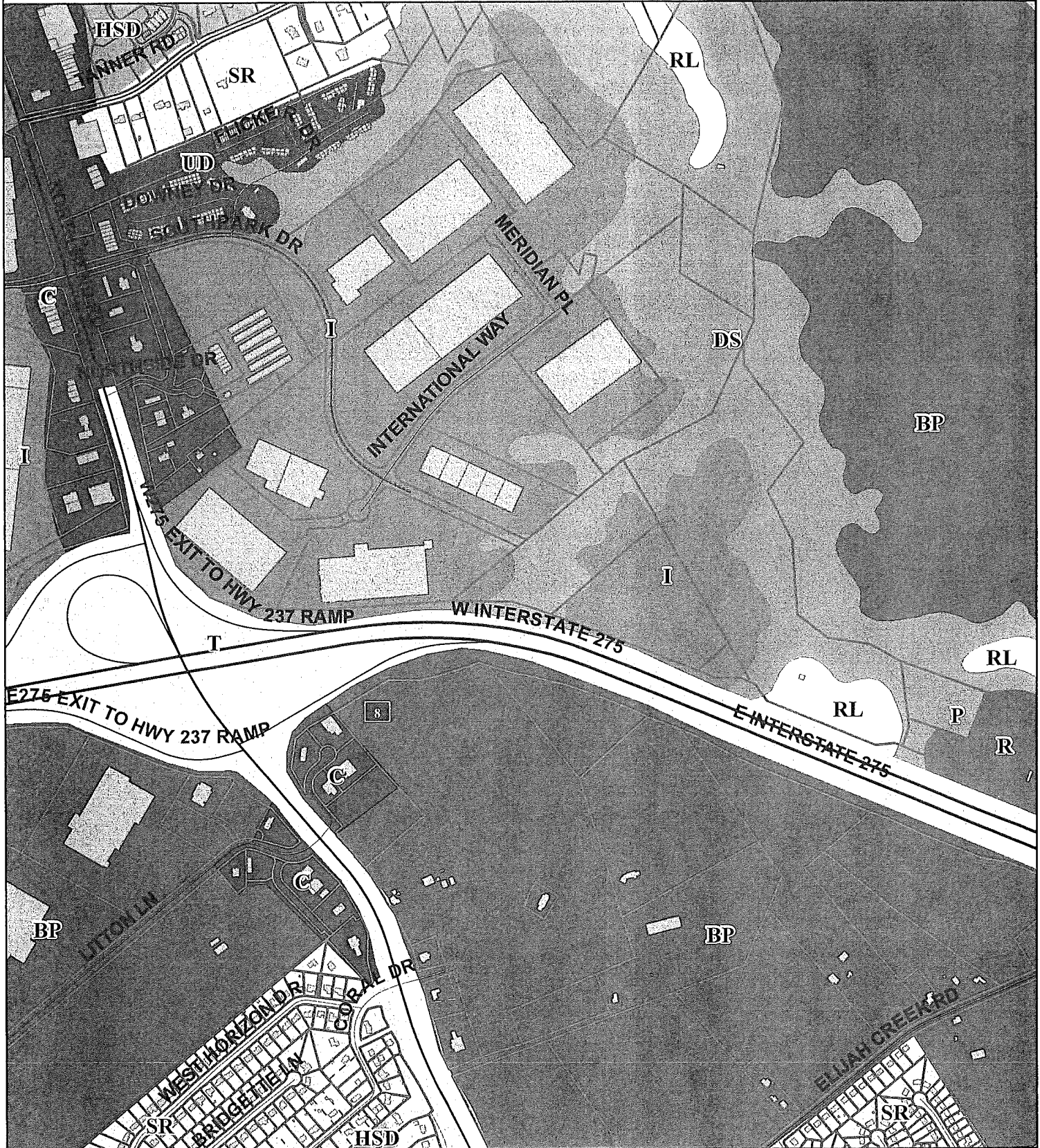
1 inch = 800 feet



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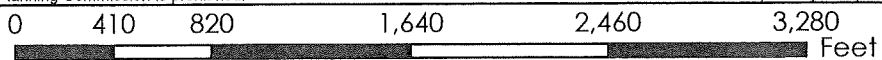
2035 FUTURE LAND USE MAP

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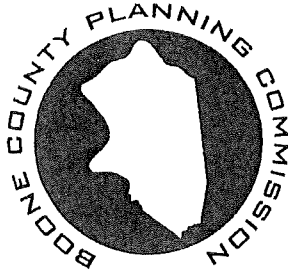


1 inch = 800 feet



Boone County GIS - Putting Northern Kentucky on the Map





BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

TO: Keith Feldhaus, Boone County Water District
Greg Haggard, Sanitation District No. 1
Scott Pennington, Boone County Public Works
David Perkins, Hebron Fire District
Major Bill Mark, Boone County Sheriff's Department
Matthew Webster, Assistant County Administrator
Lori Young, Duke Energy

FROM: Todd K. Morgan, AICP, Senior Planner, Zoning Services *TKM*

DATE: April 11, 2016

RE: Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of KY 275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

I have attached the applicant's cover letter and Concept Development Plan for the above referenced application. The cover letter and plans indicate that Southpark Drive will be extended to the subject site and an auto auction facility will be constructed. Site improvements include a 6,600 square foot building (with vehicle sales and preparation bays, offices, restrooms, and a café) and 909 parking stalls. Hours of operations for the business are listed as:

Friday: 9 am - 2 pm (dealers only)
Saturday: 9 am - 1 pm (dealers and public)
Sunday: 9 am - 1 pm (dealers and public)

The public hearing for this application is scheduled for May 4, 2016.

Please review this proposal relative to your agency's policies and service abilities and provide any comments in writing to me by April 27, 2016. Please provide a written response, even if your agency has no comments regarding the proposal. Comments can be e-mailed to tmorgan@boonecountyky.org or faxed to (859) 334-2264. Your feedback is greatly appreciated.

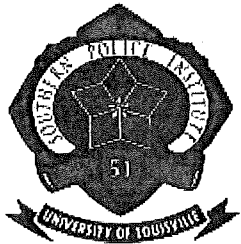
Todd Morgan

From: Bill Mark
Sent: Thursday, April 14, 2016 3:32 PM
To: Todd Morgan
Subject: Re: Zone Change for Southpark Dr

Todd,

I have reviewed the proposed site plan for the auto auction site on Southpark Drive in Hebron, and had our traffic unit commander look over it as well. Given the fact that their proposed business hours would be mid-day and primarily on weekends, it is our opinion that it would not cause any traffic issues. The Sheriff's Office does not oppose this proposal.

Major Bill Mark
Patrol Division Commander
Boone County Sheriff's Department
3000 Conrad Lane
Burlington, KY 41005
Office: (859) 334-2175
Desk: (859) 334-2269
bmark@boonecountky.org



102nd A.O.C.

"It is a fine thing to have ability, but the ability to discover ability in others is the true test."

-Lou Holtz

Todd Morgan

From: Haggard, Greg <ghaggard@sd1.org>
Sent: Friday, April 22, 2016 5:01 PM
To: Todd Morgan
Cc: Joe Verst; Andy Aman
Subject: Letter of April 11, 2016 regarding Othman development

Todd,

This email is in response to your letter of April 11, 2016 requesting comments regarding the proposed development for Alex Othman near South Park Drive. Sanitary sewer has not been extended to the site, but is located in the general vicinity. The developer should contact us about making a connection once capacity has been reserved.

To reserve capacity, the developer should contact Joe Verst at 859-578-7467 or jverst@sd1.org.

Stormwater issues will fall under Northern Kentucky Stormwater Rules and Regulations. Inquiries should be directed to Andy Aman at 859-578-6880 or aaman@sd1.org.

Please let me know if you have any questions.

Best regards,

--

Greg Haggard

Project Coordinator
Planning and Design Group
SD1
ph 859-578-6763
fax 859-578-6897
email: ghaggard@sd1.org

I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at [\(859\) 331-2436](tel:(859)331-2436) or via email to records@sd1.org. Your request will not be forwarded.

Todd Morgan

From: Young, Lori <Lori.Young@duke-energy.com>
Sent: Monday, April 25, 2016 11:54 AM
To: Osam Mardin
Cc: Todd Morgan; Jim Ritter
Subject: RE: Duke Energy Review RE: Car Auction Facility Site Plan

O'Sam

Please see my comments below in red. Thank you for working with me on this project. The proposed drive and cul-de-sac are not approved. The proposed building and grading will require additional review from Duke Energy's engineers.

Please contact me with further questions.

Sincerely,

Lori Young
Asset Protection Specialist
Duke Energy
Augustine District Office
Office 859-815-6421
Mail Drop EF206
Lori.Young@duke-energy.com

From: Osam Mardin [mailto:OMardin@pda-ae.com]
Sent: Friday, April 22, 2016 4:07 PM
To: Young, Lori
Cc: tmorgan@boonecountyky.org; Jim Ritter
Subject: RE: Duke Energy Review RE: Car Auction Facility Site Plan

Lori,

Thank you for calling me and discussing this project. My understanding of the issues with the current design per Duke's guidelines and our associated solutions is as follows:

1. The existing building location is acceptable. *The proposed building location must be reviewed for horizontal clearance by Duke Energy engineers, before it will be approved that close to the edge of easement.*
2. The proposed security fence crosses the utility easement and could prevent access to the tower for Duke Energy.
 - a. The proposed car delivery gate is acceptable as proposed if it is a minimum 16' wide clear (20' preferred) and Duke Energy is provided with a key code for access.
3. The proposed grading is too steep and begins too close to the transmission tower.
 - a. We will redesign the grading to comply with Duke Energy's design restrictions.
4. The proposed access road that is an extension of South Park Dr. is within the utility easement, and runs parallel to the utility line. The proposed access road terminates in a cul-de-sac in the easement.

- a. This access road and terminating cul-de-sac are drawn as per discussions with the county engineer, and are an extension of the existing road & right-of-way. Discussions will need to take place with the County Engineer and Duke Energy to resolve this issue. Attached is the access and utility agreement with the neighboring property. *This issue is not resolved.*
5. The detention pond runs across the utility easement.
 - a. We will provide a minimum 16' wide (20' preferred) division of the large detention pond into two smaller detention ponds within the easement for truck access.
6. See #5
7. Parking is acceptable as drawn, but any redesign must adhere to the guidelines.
8. No trees will be allowed in the "Wire Zone"
 - a. The proposed landscaping will adhere to the guidelines.

Do you agree that this addresses all issues except for the access road?

Let me know if you have any questions or need anything else. Thanks.

O'Sam R. Mardin

Project Manager, RA, NCARB, LEED AP

Professional Design Associates, Inc.

3627 West Fork Road
Cincinnati, OH 45247

513.661.2565

513.661.0420 Fax

www.pda-ae.com

From: Young, Lori [<mailto:Lori.Young@duke-energy.com>]

Sent: Friday, April 22, 2016 2:11 PM

To: Osam Mardin <OMardin@pda-ae.com>

Cc: tmorgan@boonecountyky.org

Subject: RE: Duke Energy Review RE: Car Auction Facility Site Plan

O'Sam,

Thank you for contacting me regarding this grading proposal within our transmission easement. Please refer to paragraph 3 of the attached Midwest Right of Way Restrictions which states:

Grading (cuts or fill) shall be no closer than 25 feet from poles, towers, guys and anchors (except for parking areas, see paragraph 7) and the slope shall not exceed 4:1. Grading or filling near Duke Energy facilities, which will prevent free equipment access, or creates ground to conductor clearance violations, will not be permitted.

So within a 25' radius of the tower, Duke Energy would not allow any grading. This is to protect the integrity of the tower structure. Then once outside the 25' radius, grading shall not exceed 4:1 slope. This is so our trucks can access the tower and not roll.

Paragraph 7. Parking may be permitted within the rights of way, provided that:

- a. Prior to grading, concrete barriers shall be installed at a minimum of 9 feet from the Duke Energy facilities. During construction, grading shall be no closer than 10 feet to any Duke Energy facility.
- b. After grading/paving activity is complete, Duke Energy approved barrier, sufficient to withstand a 15 mph vehicular impact, shall be erected 9 ft. from any Duke Energy facility.
- c. Any access areas, entrances, or exits shall cross (from one side to the other) the rights of way at any angle not less than

30 degrees with the centerline, and shall not pass within 25 feet of any structure. Parking lot entrances/exits cannot create an intersection within the right of way.

d. Lighting within the rights-of-way limits must be approved by Duke Energy before installing. Due to engineering design standards, lighting is not allowed in the "Wire Zone". Where lighting is approved (Border Zone), the total height may not exceed 15 ft. Contact your Asset Protection Specialist as the "Wire Zone" varies for the different voltage lines.

Parking area: No grading within the 10' of the tower, then minimum grading (one foot) between 10' to 25' from the tower structure.

Please submit any revised proposed plans involving Duke Energy's electric transmission easement to me for review.

Sincerely,

Lori Young
Asset Protection Specialist
Duke Energy
Augustine District Office
Office 859-815-6421
Mail Drop EF206
Lori.Young@duke-energy.com

From: Young, Lori
Sent: Friday, April 22, 2016 12:46 PM
To: 'Osam Mardin'; 'tmorgan@boonecountkyky.org'
Subject: Duke Energy Review RE: Car Auction Facility Site Plan

Hello O'Sam and Todd,
Please find attached the stamped not approved proposed plans and Duke Energy Midwest Right of Way Restrictions document. Please do not proceed with these attached proposed plans at this location within the Duke Energy electric transmission easement for our 345kv electric transmission line. Refer to the Midwest Right of Way Restrictions documents that is attached.

Duke Energy objects to the proposed grading around the tower structure and grading slope - this is an access issue for our trucks, the drive /road proposed parallel within the easement, and the size of the pond spanning the entire easement which blocks access through the easement. This is a matter of the reliability and safe operations of Duke Energy's transmission lines and it may interfere with the successful operations of its facilities.

You mentioned working with Cory and he is in distribution to supply service to the facility, not electric transmission with tower lines which are part of the power grid and regulated by FERC. Also if there is gas at this location that department must review the proposed plans as well.

Please submit any revised plans involving Duke Energy's electric transmission easement to me for review. Thank you for working with me on this project. Feel free to contact me with any questions or concerns for this project.

Sincerely,

Lori Young
Asset Protection Specialist

Duke Energy
Augustine District Office
Office 859-815-6421
Mail Drop EF206
Lori.Young@duke-energy.com

From: Osam Mardin [<mailto:OMardin@pda-ae.com>]
Sent: Thursday, April 21, 2016 6:28 PM
To: Young, Lori
Subject: Car Auction Facility Site Plan

Lori,

Per your request I am sending you a site plan for the proposed development. I had spoken with Cory Steinmetz previously about this property, and he was supposed to be researching the details of your easement and what we can do around the existing tower. Let me know if you have any questions or need anything else. Thanks.

O'Sam R. Mardin
Project Manager, RA, NCARB, LEED AP

Professional Design Associates, Inc.
3627 West Fork Road
Cincinnati, OH 45247

513.661.2565
513.661.0420 Fax
www.pda-ae.com

Todd Morgan

From: David Perkins <dperkins@hebronfire.org>
Sent: Tuesday, April 26, 2016 2:41 PM
To: Todd Morgan
Cc: Dan Hitzfield; Andrew Ifcic; Tony Crouch
Subject: Zone Change Request - Southpark Drive

Todd,

After reviewing the Zone Change Request information, for the property located off of Southpark Drive, we do not have any issues that need to be addressed at this time. Should something change with the development and/or occupancy type we would need to review the project again. If you have any questions please feel free to let me know.

Todd Morgan

From: Scott Pennington
Sent: Monday, May 02, 2016 12:19 PM
To: Todd Morgan
Subject: Auto Auction Facility - Southpark Dr

Todd,

Concerning the zoning map amendment request for an auto auction on Southpark Dr in Hebron:

If the extension of Southpark Dr is expected to be accepted by the County, the new street shall meet all current Subdivision Regulations (e.g., street grades and cul-de-sac streets).

Prior to any agreement to accept the street, the County would need more information related to the stream crossing near the end of the current R/W. It is expected a bridge or large culvert would be necessary to span the stream. Also, the applicant should provide support from the necessary government bodies concerning the stream crossing (e.g., Kentucky Division of Water and Army Corps of Engineers). What costs are related to the stream crossing and is the applicant prepared to pay those costs?

The R/W along existing Southpark Dr is 60' wide and the County would prefer to keep the R/W consistent along the entire length. However, the Subdivision Regulations allow a 50' width for this street classification so a 50' R/W width would be acceptable.

Is the applicant prepared to complete Southpark Dr in the existing R/W?

Thank you.

Scott D. Pennington, P.E.
County Engineer/Director of Public Works
Boone County Public Works
spennington@boonecountky.org
(O) 859-334-3600

Todd Morgan

From: Perkins, John D <John.Perkins@duke-energy.com>
Sent: Monday, May 02, 2016 4:12 PM
To: Todd Morgan
Cc: Young, Lori
Subject: RE: Duke Energy Review RE: Car Auction Facility Site Plan

Todd,

Thank you for the drawings. I quickly reviewed the drawings and noticed that the project is in conflict with our existing 8" high pressure gas main (which runs parallel with OH electric lines). We would likely need to re-install the entire gas main across the property because of the significant grade changes. We wouldn't allow any grade cuts over our main and only allow 2' of fill.

The gas main can be relocated for ~\$150/ft (high level estimate). We would need 6-7 months (after we received a check) to design, bid and relocate the gas main.

Let me know if this project moves forward.

Thank you,

John Perkins, P.E., PMP
Duke Energy
Pipeline Engineering and Drafting
Office: 513-287-1276

From: Todd Morgan [<mailto:TMorgan@boonecountyky.org>]
Sent: Monday, May 02, 2016 3:07 PM
To: Perkins, John D
Subject: FW: Duke Energy Review RE: Car Auction Facility Site Plan

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Mr. Perkins,

Please Call me if you have questions.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

From: Young, Lori [<mailto:Lori.Young@duke-energy.com>]
Sent: Friday, April 22, 2016 12:46 PM

ON APPROVAL CERTIFICATE
WITH THE BOONE COUNTY ZONING
COMMISSION FOR RECORDING IN THE

Smith
SURE

COUNTY CLERK'S CERTIFICATE
I, JERRY W. ROUSE, BOONE COUNTY CLERK, CERTIFY THAT THIS PLAT WAS
PRESENTED TO ME IN BOONE COUNTY ON THIS _____ DAY OF _____
1993 AT _____ M. AND MADE A PART OF THE RECORDS OF THIS OFFICE.

JERRY W. ROUSE
BOONE COUNTY COURT CLERK

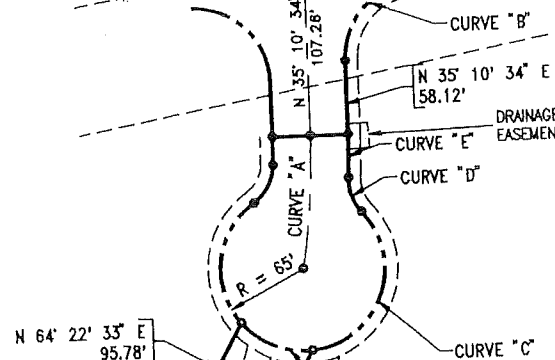
SOUTHPARK DEVELOPMENT
LOT 3

SOUTHPARK DRIVE EXTENSION
(DEDICATED) (UNIMPROVED) PLAT SLIDE 128B
S 84° 49' 26" E 823.29'

100' WIDE
EASEMENT
U.L.H. & P. CO.

(DEDICATED) SOUTHPARK DRIVE
(SLIDE 128B) S 54° 49' 26" E

INTERNATIONAL WAY
(DEDICATED PLAT SLIDE 128B)



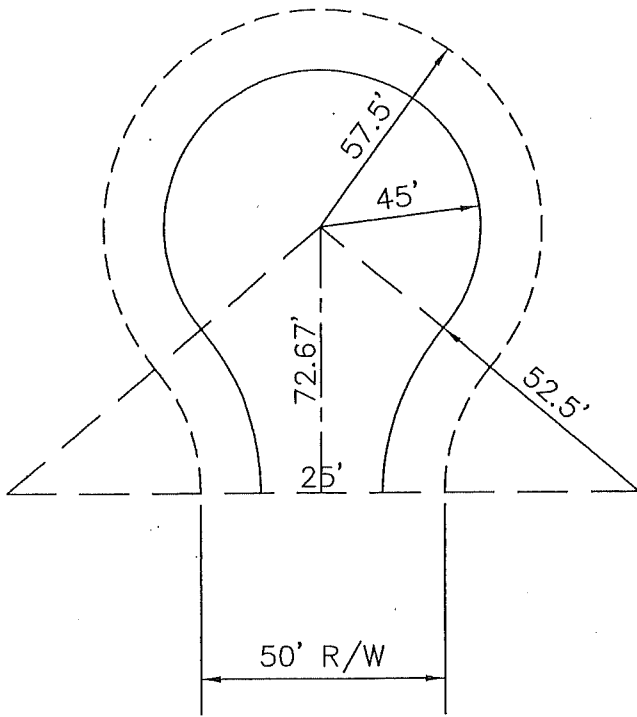
LOT 14
628,374 SQ. FT.
14.4255 AC.

I-275
RIGHT OF WAY

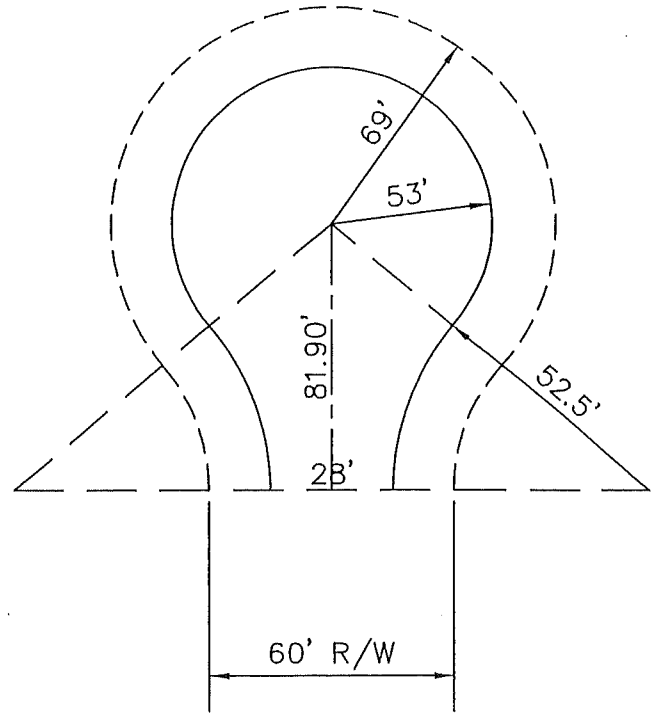
OWNER AND DEVELOPER
SCHLEPER DEVELOPMENT CORP.
1452 DONALDSON HIGHWAY
ERLANGER, KENTUCKY 41018
(606) 525-8585

UTILITY EASEMENTS
FOR VALUABLE CONSIDERATION, WE, THE UNDERSIGNED DO HEREBY PERMANENTLY
GRANT TO THE UNION LIGHT, HEAT AND POWER COMPANY, CINCINNATI BELL TELEPHONE
COMPANY, THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS,
AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "10 FT. UTILITY EASEMENT" FOR
THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY AND
ALL OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS,

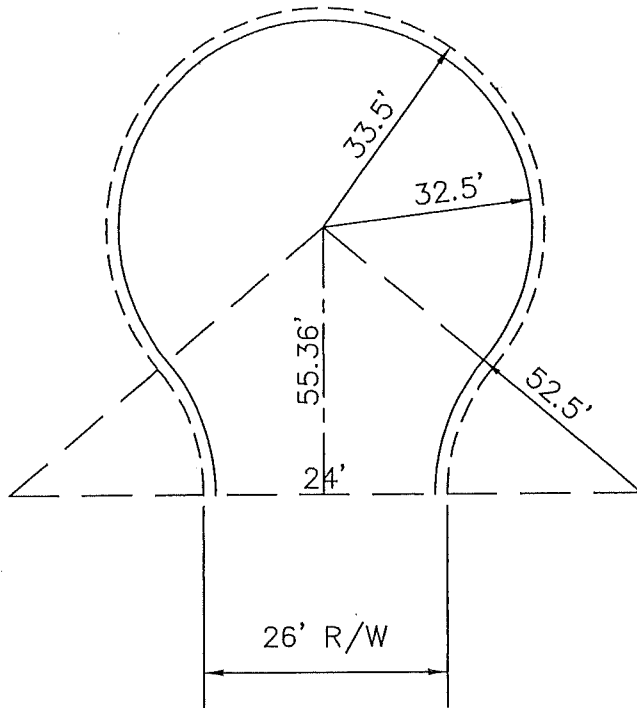
*Southpark
SECTION 3, Final Plat*



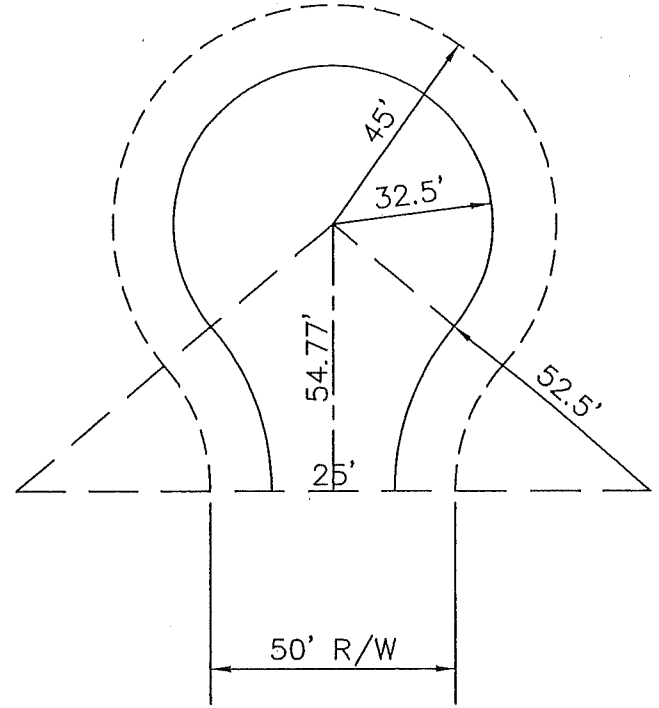
COMMERCIAL



INDUSTRIAL



RESIDENTIAL CONDOMINIUM



LOCAL/CUL-DE-SAC

TURN AROUND DETAILS
FOR DEADEND STREETS

O'BRIEN, O'ROURKE & HOGAN

ATTORNEYS AT LAW

JAMES X. BORMES
BRYAN L. CAPPS*
WILLIAM J. COTTER
WILLIAM T. DWYER, JR.
W. CRAIG FOWLER
MICHAEL GILMAN
HOWARD I. GOLDBLATT
WILLIAM W. GROVES***
FREDERIC G. HOGAN
PATRICK J. KENNEDY*
ANTHONY R. KOVALCIK*

Suite 2900
10 South LaSalle Street
Chicago, Illinois 60603
(312) 739-3500
Fax (312) 739-3535

FLORIDA OFFICE:
Moye, O'Brien, O'Rourke, Hogan & Pickert
Orlando, Florida 32801
July 3, 1997

GREGORY S. MARTIN*
NATHAN E. MINEAR**
JAMES E. MOYE**
JOHN C. O'ROURKE, JR.
STEPHEN W. PICKERT*
SONICA J. RHODES*

*Admitted to practice in Florida only
**Admitted to practice in Florida and Georgia only
***Admitted to practice in Georgia only

DOÑALD V. O'BRIEN
OF COUNSEL

Mr. Daryl Davis
Boone County Public Works
5646 Idlewild Road
Burlington, Kentucky 41005

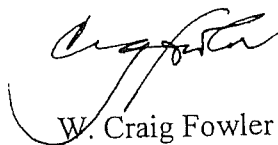
Re: Oak Investments, L.L.C./Southpark Development, Hebron, Kentucky

Dear Daryl:

Oak Investments, L.L.C. has now executed the letter agreement with Boone County in regard to the driveway constructed at the above-referenced property onto the dedicated, but unimproved, portion of Southpark Drive. I enclose one fully executed counterpart of the letter agreement for your records.

Thank you again for your assistance in this matter. If you have any questions, please contact me.

Sincerely yours,



W. Craig Fowler

WCF/cf
Enclosure

cc: Mr. John M. Crocker, Jr. (w/o enclosure)
Mr. Dan F. Nicol (w/o enclosure)
Ms. Lori Larson (w/o enclosure)
Mr. Thomas R. Kennedy (w/o enclosure)
Mr. Randall R. Ackerman (w/o enclosure)

RECEIVED
JUL 8 1997
BOONE COUNTY PUBLIC WORKS

Oak Investments, L.L.C.
c/o Adler Management Corp.
4950 First Bank Place
601 Second Avenue South
Minneapolis, Minnesota 55402-44328

May 23, 1997

County of Boone
Commonwealth of Kentucky
c/o Boone County Public Works
5646 Idlewild Road
Burlington, Kentucky 41005
Attention: Daryl Davis

Ladies and Gentlemen:

This letter will confirm and set forth the agreement which has been reached by and between Oak Investments, L.L.C., a Delaware limited liability company ("Oak"), and the County of Boone, ("County") in regard to Oak's property in the Southpark Development in Hebron, Boone County, Kentucky ("Subject Property"). The Subject Property is located at the southeasterly corner of Southpark Drive and International Way, and is improved with a certain warehouse/distribution facility. Although the southeasterly portion of Southpark Drive (*i.e.*, the portion thereof which extends southeasterly beyond the Southpark Drive/International Way intersection) has been dedicated, it is not improved. Such dedicated but unimproved portion of Southpark Drive is hereinafter referred to as the "Southpark Drive Extension."

The Subject Property currently has access onto the Southpark Drive Extension by means of a bituminous pavement driveway heretofore constructed for Oak ("Driveway"). The Driveway and the point of its access onto the Southpark Drive Extension are indicated in the drawing attached hereto as Exhibit A. As the drawing indicates, the Driveway connects to International Way and the improved portion of Southpark Drive at the intersection of those two rights-of-way.

With regard to the Driveway, Oak and the County have agreed as follows:

1. For so long as the Southpark Drive Extension remains unimproved, (a) Oak shall have the right to maintain the Driveway in its current location (as indicated on the drawing attached hereto as Exhibit A), or at another location within the boundaries of the Southpark Drive Extension, and (b) Oak shall be solely responsible for the maintenance of the Driveway.
2. If at any time the County improves the Southpark Drive Extension, then Oak shall be entitled to access from the Subject Property to the then-

improved Southpark Drive Extension. Such access shall be in the location at which the Driveway enters the Southpark Drive Extension. The County shall notify Oak, in writing, at such time (if ever) that the County intends to improve the Southpark Drive Extension. Such notice shall be given in sufficient time so that arrangements can be made for such access (including, without limitation, all necessary governmental approvals of curb cuts and the like) so as not to interrupt the access from the Subject Property onto the then-improved Southpark Drive Extension (other than normal interruptions due to construction activities in connection with the improvement).

3. The terms and conditions of this agreement shall inure to the benefit of and be binding upon Oak and the County, and their respective successors and assigns, and shall run with the Subject Property.

We believe that this letter accurately sets forth the agreement which Oak and the County have reached. If you concur, please so indicate by having a duly authorized representative of the County execute (and have notarized) the enclosed counterparts of this letter in the space provided below. Thank you.

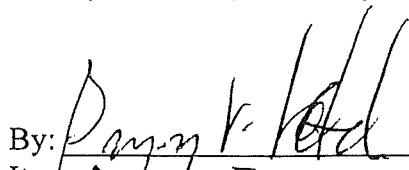
Very truly yours,

Oak Investments, L.L.C.

By: 
Its: Mark Rauenhorst
President

The County of Boone, Kentucky hereby accepts and agrees to the terms and conditions of the foregoing agreement, and has hereby caused the undersigned duly authorized representative to execute this letter agreement on its behalf.

County of Boone, Kentucky

By: 
Its: COUNTY ENGINEER

Date: May 27, 1997

Acknowledgment

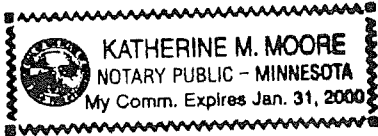
STATE OF MINNESOTA

COUNTY OF HENNEPIN

I, Katherine M. Moore, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark Calverhout personally known to me to be the President of OAK INVESTMENTS, L.L.C., a Delaware limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President, he signed and delivered the said instrument, pursuant to due authority, as his free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 20th day of July, 1997

Katherine M. Moore
Notary Public



Printed Name: _____

Resident of: _____

Commission Expires: _____

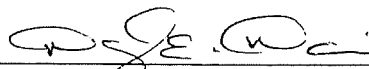
Acknowledgment

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

I, DARYLE DAVIS, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that GREGORY V. SKETCH personally known to me to be the ENGINEER of THE COUNTY OF BOONE, KENTUCKY, a Kentucky governmental entity, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such ENGINEER, HE signed and delivered the said instrument, pursuant to due authority, as HIS free and voluntary act, and as the free and voluntary act and deed of said municipality, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 27 day of May, 1997



Notary Public

Printed Name: DARYLE DAVIS

Resident of: BOONE, KENTUCKY

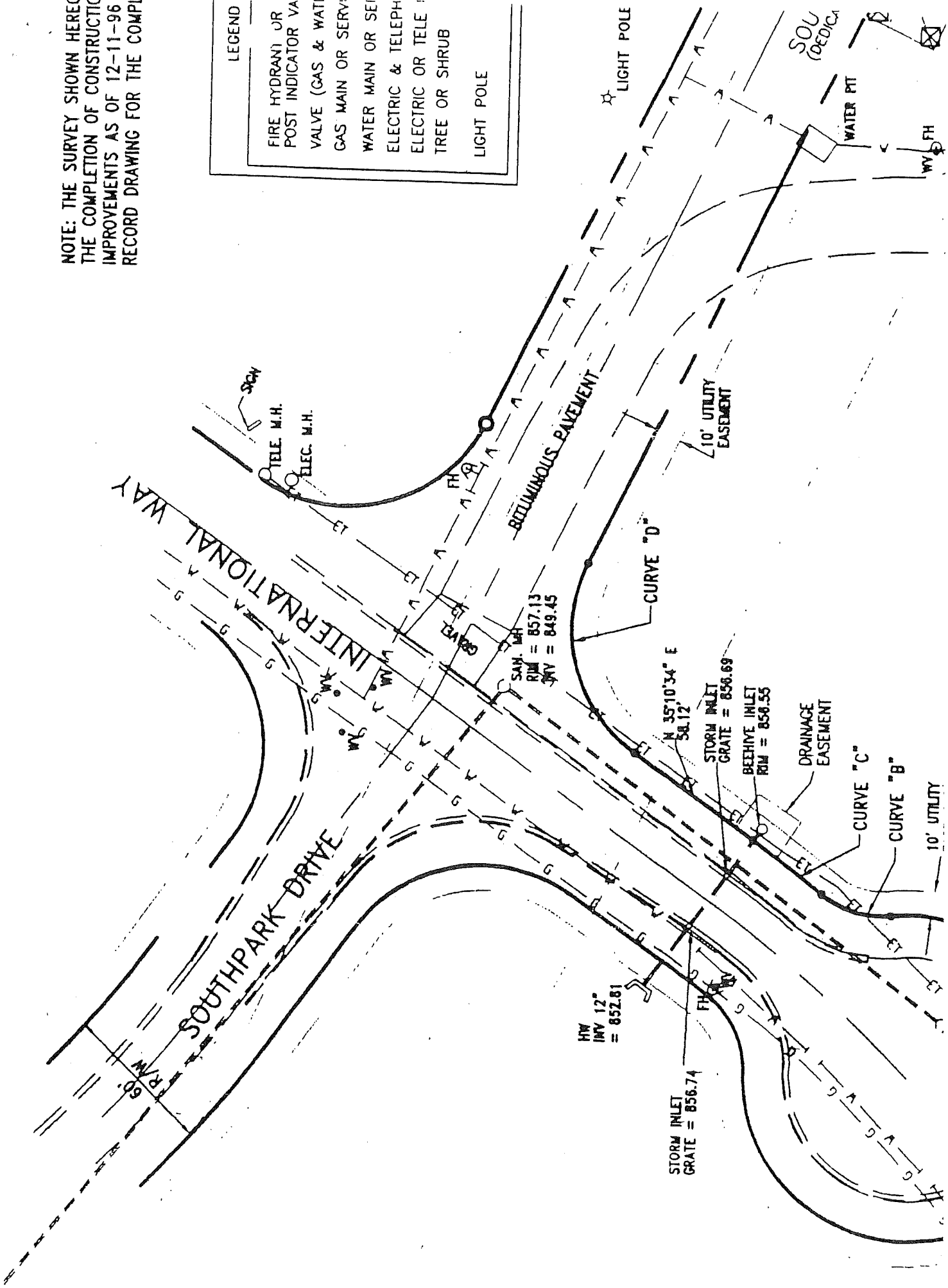
Commission Expires: 12.08.98

Exhibit A

Depiction of Driveway and Southpark Drive Extension

NOTE: THE SURVEY SHOWN HERE
 THE COMPLETION OF CONSTRUCTION
 IMPROVEMENTS AS OF 12-11-96
 RECORD DRAWING FOR THE COMPL

LEGEND	
(Symbol)	FIRE HYDRANT OR POST INDICATOR VA
(Symbol)	VALVE (GAS & WATER)
(Symbol)	GAS MAIN OR SERVICE
(Symbol)	WATER MAIN OR SERVICE
(Symbol)	ELECTRIC & TELEPHONE
(Symbol)	ELECTRIC OR TELEPHONE
(Symbol)	TREE OR SHRUB
(Symbol)	LIGHT POLE



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

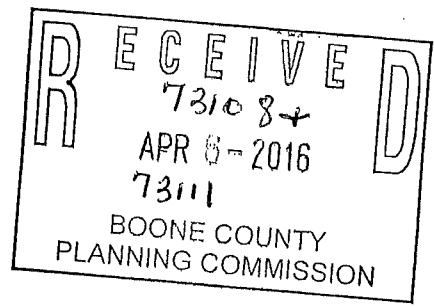
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Northern Kentucky Auto Auction
- 2. Location of Project South Park Dr, Hebron 047-00-00-006.00
- 3. Total Acreage of Site 10.33
- 4. Current Zoning of Site SP-1 + C-3
- 5. Proposed Zoning (Classification being requested) I-1
- 6. Proposed Uses (please specify each use) Car Auction Facility

- 7. Names of Applicant(s) OSAM MARDIN
Phone No. 513-661-2565 Fax No. _____ E-Mail OMardin@pda-ae.com
- 8. Address of Applicant(s) 3627 West Fork Rd.
Cincinnati OH 45247
City State Zip
- 9. Name of Property Owner(s) Alex Othman
Phone No. 859-866-5394 Fax No. _____ E-Mail A80th409@hotmail.com
- 10. Address of Property Owner(s) 2306 Keyson Ct.
Hebron KY 41048
City State Zip
- 11. Proposed Building Intensities (please specify) new 6,600 SF Auction bldg
on 10.33 acre site
- 12. Are there any existing buildings on the site? no
How many? _____
- 13. Deed Book ~~6000~~ 998 Page No. ~~174~~ Group No. ~~2008~~
- 14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
- 15. Have you submitted a Concept Development Plan? YES
- 16. Have you had a pre-application meeting with BCPC Staff? email only
- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: September 7, 2016

RE: Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

REMARKS:

We, the Committee, recommend denial of the above referenced request based on the following findings of fact:

FINDINGS OF FACT

1. The Committee has concluded the request is not in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
 - A. Although the Boone County Comprehensive Plan's 2035 Future Land Use Map designates the majority of the site for "Industrial" uses, the required Southpark Drive public road extension is shown in an area that is largely "Developmentally Sensitive".

The Developmentally Sensitive (DS) future land use classification is defined as "areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land."
 - B. The Land Use Element makes the following statement regarding the general area that support the denial of the request:
 - Some Business Park development is appropriate adjacent to the SouthPark project and I-275, with access provided by the extension of SouthPark Boulevard. Again, this development must be carefully planned to avoid negative impacts to Developmentally Sensitive hillsides near Elijah Creek. The Carder-Dolwick Nature Preserve is an indication of the importance of this valley as a natural area (Hebron Area, pg 178).

Osam Mardin/Alex Othman
September 7, 2016

- Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).

C. The following Goals and Objectives support denial of the request:

- New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community (Environment, Objective).
- Developmentally Sensitive hillsides in Boone County must be given special consideration, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed and monitored to adequately maintain the environmental integrity of the hillsides (Environment, Objective).
- Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas (Business Activity, Goal).
- Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Goal).

The Committee concluded the project would have adverse impacts on developmentally sensitive hillsides near Elijah Creek and Carder-Dolwick Nature Preserve. These developmentally sensitive hillsides contain wooded areas, creeks, and wildlife habitat that are important to the site's stability and visual character. The revised Concept Development Plans shows major grading, tree clearing, a bridge crossing over a blue line stream, and the construction of 679 parking stalls. The applicant also did not submit a Traffic Impact Study showing what impacts the development would have on the Southpark Drive, KY 237, and the businesses in the industrial park.

2. No facts were presented at the Public Hearing which legitimately support a finding that the existing zoning classification is inappropriate at this time and that the proposed zoning classification is appropriate.
3. No facts were presented at the Public Hearing which legitimately support a finding that there have been major changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.
4. The requested Conditional Use Permit application does not fulfill the applicable findings, standards, and criteria outlined in KRS 100.237, which includes the findings outlined in Sections 262 and 1133 of the Boone County Zoning Regulations. Specifically, the proposed use:

Osam Mardin/Alex Othman

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- A. Will not be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan.
- B. Will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
- C. Is not subservient to and is of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district.

The Committee concluded the scale of the proposed auto auction is not compatible with the industrial park or the Carder-Dolwick Nature Preserve. The auto auction use is shown with 679 parking stalls and has the appearance of an automotive dealership in a commercial zoning district. The use would be accessed from Southpark Drive, which is the main road in the industrial park, and would cause additional mixing of industrial truck and auto traffic. Motorists leaving the industrial park already experience significant delays accessing KY 237 during peak times and the planned road improvements on KY 237 (Project 415 on the State's 6 Year Plan) do not impact Southpark Drive. The lack of a Traffic Impact Study made it difficult to determine how much additional car and truck traffic would use Southpark Drive at peak times. Although the actual auctions would occur at set times, car deliveries and pickups could occur throughout the week and could exacerbate existing traffic problems.

- 5. The Committee would like to note that the applicant revised their plans and withdrew all their Variance requests at the August 17, 2016 Zone Change Committee meeting. As a result, no Variance findings are being included in the Committee Report.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached are the signature pages from the Zone Change/Concept Development Plan Committee votes.

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Kim Patton
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:20 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

3. Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 10.33 acre site has frontage on the north side of I-275 and is in close proximity to the I-275/Hebron interchange. Access to the site is from Southpark Drive. Southpark Drive currently ends at the intersection of International Way. The Verst Group driveway is located in an unimproved County right-of-way. Southpark Drive would be extended approximately 1,200 feet southeast. It will terminate in a cul-de-sac on the subject site. The applicant is applying not only for a Zoning Map Amendment but also a Conditional Use Permit. Auto auctions are a conditional use in the I-1 zoning district. There is a 100 foot wide Duke Energy utility easement located in the center of the parcel. The topography of the site is rough and it has an intermittent stream. A Concept Development Plan was submitted. Southpark Drive would be extended as a sub-collector road (28 feet in width). The road can't exceed a 10% street grade and it must have a sidewalk on one side of the street. The street would have a 50-60 foot right-of-way. Two access points to the proposed business are planned. The southernmost one would contain access to 110 customer parking stalls and the 6,600 square foot building. The northern one contains access to 799 vehicle parking stalls. A six foot high fence will be installed to secure the vehicle storage lot. There are three retaining walls proposed on the site. One is located along I-275 (605' long). It ranges from 2 feet to 12 feet in height. The second retaining wall is located in the northern corner of the site. It is 130 feet in length and 1-4 feet tall. The third retaining wall is located on the eastern side of the site. It is 390 feet in length and ranges from 1-8 feet in height. Building elevations were submitted as part of the request. The proposed building is predominantly metal but there is some CMU on the bottom. There will be four sales bays and room for eight cars. There will be a café and bathrooms in the building. The applicant has applied for several landscaping variances. A ten foot landscape buffer is required along street frontages. As a result, one would be needed along the cul-de-sac right-of-way. The applicant is meeting the landscaping requirements along I-275 but Mr. Morgan questioned the height of the proposed retaining wall. Staff preferred that the retaining wall be moved back towards the parking stalls in order to place the landscaping in front of the retaining wall if possible. On the northwest portion of the site, an 80 or 40 foot Buffer Yard D is required but the applicant is only providing 15 feet. Along the eastern side, a Buffer Yard D is required but the applicant is only providing 10 feet next to the nature preserve. A Buffer Yard D is required on the southeast side of the site. He questioned if any trees will remain on the site to meet the buffer yard requirements? Finally, a Buffer Yard B of 20 feet is required on the southwest side of the site. Are any trees being preserved? Mr. Morgan identified areas in the parking lot where landscaping is required. The applicant is asking for a variance to reduce the spacing between the required parking lot islands.

Mr. Morgan showed a topographical map of the site noting the significant changes in elevation and locations of streams. The topography drops 60 feet near the blue line intermittent stream. He also showed photos of the site and adjoining properties. The site is full of trees. A Duke Energy gas main is also located on the property. There is a drainage pipe on the property that is falling apart. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and Developmentally Sensitive (DS). Mr. Morgan noted that he outlined a lot of passages from the Comprehensive Plan in the Staff Report on pages 4-8. He referred to pages 9 and 10 of the Staff Report that examines the criteria for a Conditional Use Permit and Variances. Final action will be taken by the Planning Commission regarding the Conditional Use Permit and Variances requests should the Zoning Map Amendment be approved.

In terms of Staff Comments, the applicant's business description states the auction will be primarily a platform for tri-state dealerships, banks, car rental agencies, and governmental agencies to liquidate their vehicle inventory. It will be open solely to dealers on Fridays, and both dealers and the public on Saturdays and Sundays. Inventory will be received in small batches over the course of the week. Due to current traffic issues on South Park Drive, auction hours are planned as follows:

Friday:	9 am - 2 pm (Dealers only)
Saturday:	9 am - 1 pm (Dealers/Public)
Sunday:	9 am - 1 pm (Dealers/Public)

Staff would like the applicant to address the following: Could the proposed days or hours be expanded if the business is successful? What types of vehicles could be auctioned? Is it limited to automobiles, light trucks, vans, and sports utility vehicles? The business description indicates the auction inventory will be received gradually over the course of the week. How will this be monitored or controlled? Will most of the vehicles come in on tractor trailers? Would all purchased vehicles be driven off-site by the purchasers the day they are sold? The business description indicates that vehicles can be test driven on the day of the sale. Where will the test drives occur? Can the retaining wall along the I-275 frontage be moved towards the parking lot so the required Buffer Yard plantings will screen it from the Interstate? In addition, Staff would like the applicant to provide retaining wall block samples so the visual impacts can be addressed. Is any parking lot lighting being proposed? If so, how tall would the poles and fixtures be? Would restroom facilities be limited to those that are shown inside the building or could portable facilities be provided in the lot? Would food and drink sales be limited to the café that is shown inside the building? Will the facility have an intercom or speaker system? Will any banners, streamers, flags, lights, or inflatable balloons be used to advertise the events or vehicles for sale? Has a cost estimate been obtained to construct the road and retaining walls? Can the gas pipeline be shown on the plans?

In addition, Staff would like the applicant and Board to be aware of the following:

The Southpark Drive extension will have to be built to public specifications. The Boone County Subdivision Regulations require a sub-collector street to be built. Sub-collector streets have a minimum 50' right-of-way, 28' of pavement, curbing, sidewalks on one side of street, and a 10% maximum street grade. Once constructed and inspected the road and right-of-way would be publically dedicated to the County through the Final Plat process. Staff would like the applicant to

make the adjoining property owner to the northwest aware of this. At this time, the adjoining property owner has only granted the property owner a permanent utility and roadway easement through his property, and not a right-of-way. The length of a cul-de-sac street cannot exceed 1,200 linear feet unless a Waiver is approved (See Section 305 (M) of the Boone County Subdivision Regulations). The current cul-de-sac design does not meet the requirements of the Boone County Subdivision Regulations (see attachment). The proposed road extension will cross an intermittent blue stream on the adjoining property. The stream is a tributary that flows to Elijah's Creek. The applicant needs to contact the Kentucky Division of Water, Water Quality Branch, to verify what Permits will be needed. A Waiver will need to be approved to allow the development to have two curb cuts. Section 3221 of the Boone County Zoning Regulations requires a development to have 500 feet of road frontage before a second curb cut would be permitted. The applicant's cover letter indicates that a pole sign will be constructed along the interstate frontage and a monument sign will be constructed at the main entrance. Section 3413 of the Boone County Zoning Regulations permits the property to have one monument sign, which is a maximum of 10' tall and 100 square feet in area. Finally, the plans show 6' tall vinyl fencing will be constructed to secure the car sales parking lot. The fencing shown in the front and corner side yards can only be permitted with a decorative design, 50% opacity or less, and an overall height of 4' or less.

Mr. Morgan stated that he outlined the criteria for evaluating a Zoning Map Amendment on page 12 of the Staff Report. Staff has the following concerns regarding the applications and relationship to the Comprehensive Plan as noted on pages 3-8 of the Staff Report. First, the proposed road extension is being constructed through a developmentally sensitive area on the adjoining property. The road will need to cross an intermittent blue line stream and significant grading and clearing will need to occur. The topography falls approximately 68 feet from the end of Southpark Drive to the stream and rises approximately 70' between the stream and Duke Electric tower on the site. Second, the location of the project next to the Carder-Dolwick Nature Preserve. Third, the majority of the 10.33 acre parcel is being cleared of trees and vegetation. Fourth, the lack of buffering and landscaping being installed as part of the project. Fifth, the aesthetic appearance of the facility from I-275. The facility includes a 6,600 square foot metal building, 909 parking stalls, and an approximate 605 linear foot retaining wall in the I-275 street frontage landscaping buffer. Finally, the proposed development could compound the existing traffic problems in the subdivision. Staff recommends that a Traffic Study should be prepared because the development will generate traffic throughout the week. The applicants need to explain when vehicles are delivered and driven away by the buyers.

In addition, Staff questions if the Variances are in agreement with the following criteria:

The requests will not alter the essential character of the general vicinity; the requests will not allow an unreasonable circumvention of the requirements contained in the zoning regulations; the requested variances arise from special circumstances which do not generally apply to land in the general vicinity, or in the same zone; and the strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Mr. Morgan noted that on page 13 of the Staff Report, he has outlined his concerns about meeting the Conditional Use Permit criteria. In regard to other issues, Staff would like the applicant to prepare some preliminary road plans showing that the road can be constructed to public construction specifications. The construction of the road will need to be coordinated with the Verst Group because one of their driveway entrances is located in the Southpark Drive right-of-way (see the 1997 agreement between Oak Investments, LLC and Boone County).

Staff sent out an agency memo on 4/11/16. Staff received comments back from Boone County Sheriff's Department, Duke Energy, Sanitation District No. 1, Hebron Fire Department, and Boone County Public Works. All of the email responses have been included in the Staff Report.

Project 415 is on the Kentucky Transportation Cabinet's Six Year Highway Plan. Construction is scheduled to start in 2017/2018. The plans show the following improvements: Two left hand turn lanes on northbound KY 237 for motorist that are turning on Worldwide Blvd; Two right turn lanes on Worldwide Boulevard for motorists that are turning southbound on KY 237; One additional northbound and southbound lane on KY 237 between Global Way/Tanner Road and the first roundabout; and the plan does not impact Southpark Drive.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation?

Mr. Jim Ritter, representing PDA and architect for the project, stated that the owner is out of town. The owner wants to create the Northern Kentucky Auto Auction. It is a very difficult site. The site is about 10.5 acres but with the 100 foot utility easement, it makes 2.5 acres unbuildable. If you can't build a building on the site, what can you do? An auto auction seems like a reasonable use for the property. It is in an industrial park. The parcel to the west won't ever be residential. The biggest challenge is to buffer the site from the nature preserve to the east. If a 80 foot buffer is required then the project is not feasible. Perhaps a 40 foot or 25 foot buffer could work. The height of the retaining wall could change if they could grade a portion of the I-275 right-of-way. The retaining wall could end up being 3 or 4 feet in height.

In terms of Staff concerns, Mr. Ritter stated that auto auctions are only open 2-3 days a week. They don't want to stay in business selling cars seven days a week like a regular dealer. Cars and light trucks would be sold on the property. No over-the-road trucks would be permitted. Vehicles would be delivered one at a time or by an auto carrier. The site would be open 24/7 for deliveries only. Deliveries would be spread out. If 600 cars are delivered in a week, it would involve 100 auto carriers. Vehicles will only be tested on the lot. The retaining wall along I-275 can be moved towards the parking lot. There will be lighting in the parking lot. No photometric study has been done yet. Restroom facilities will only be in the proposed building. The facility will have an interior and exterior intercom system to notify people of when a car is sold. It shouldn't be a problem since there are no residences next door. There will be no streamers or banners advertising the proposed business. Multiple cars are sold at the same time. However, a individual can buy and sell a car at their facility. They don't have a cost estimate for the road construction but will note the gas main on the plan.

Mr. Ray Hussein, business owner of the proposed business, stated that the business will be open a maximum of 3 days a week. They will work one day a week on Fridays between 9:00 a.m. - 1:00 p.m. Weekends will be open to dealers and the public. Food service will include hot dogs and hamburgers.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Ben Brandstetter, 2013 Wyndemere Court, stated that the proposed landscaping is inadequate. Landscaping at the base of the wall will not help with buffering from the interstate. The site is the front door to Hebron. Does it make sense to have a metal building at the front door to Hebron? Is the pole sign part of the application? Mr. Morgan responded no. Mr. Brandstetter felt that the request does not meet the requirements of the Comprehensive Plan as the industrial zoning doesn't allow retail uses. It allows manufacturing, warehousing and distribution uses. The inclusion of retail is not part of the Comprehensive Plan. He expressed a concern about the Land Use Element, Item C, which deals with landscaping and Land Use Element Item H, which deals with the overall design of the area and building type.

Seeing no one, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Mr. McMillian asked if the use is strictly an auction or can you buy and sell an individual vehicle at the location? Mr. Hussein replied yes. An individual will tell them the least amount of money that they would accept before the business could sell it. The public can buy and sell a car on any Saturday. They can purchase a vehicle from a dealer or an individual. There is another way to auction - the German way - negotiating on-site with the buyer and seller and they receive a fee. They are not doing it the German way. Normally, auctions are held 3 times a month but he wanted flexibility of being open 3 days a week for sales. It might end up only being open twice a month - maybe the first, the middle or end of the month. His goal is to sell 1,000 cars a month. It will take time to fill up the lot.

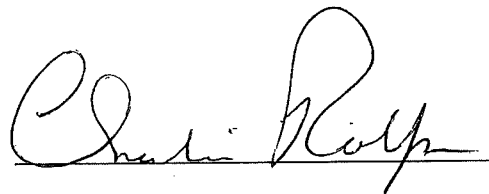
Mr. Breetz asked where will the auctions be held? Mr. Hussein responded that they will be held inside the building. There are four doors holding eight cars at a time. Speakers will be used for the auctions. They will also have an internet auction. Some vehicles will have warranties. Mr. Breetz asked how many people will attend an auction? Mr. Hussein replied about 50-100 people. They will have 10 people on the payroll and have some temporary service help. The number will be based on the number of vehicles to be sold. Someone will be on-site 24/7. Vehicles will arrive at night and during the day. Vehicles will be delivered based on completing their paperwork after each sale. Financing will be through a third party.

Mr. McMillian asked if all the vehicles are operable? Mr. Hussein replied yes. Mr. Breetz asked if any maintenance work or fuel sales be included on the site? Mr. Hussein responded no. They will only clean the vehicles. No mechanical work will occur on the site but he will have a mechanic on-site to evaluate vehicles. There will be no fuel storage.

Mrs. Heilman asked the applicant to address the variance criteria before the Zone Change Committee. She stated there are some substantial reductions in buffer yards and landscaping. The required buffer is to serve as a transition from the applicant's business to the adjoining properties. The applicant is proposing to put cars immediately adjacent to the nature preserve. The applicant should consider increasing the buffer area. Mr. Hussein stated that if the project is approved, he will work with the neighbors. Mr. Ritter stated that he assumed the 10 foot buffer to the east (next to the nature preserve) will have to be widened. Forty feet really makes it tough for them. Mrs. Heilman stated that reducing the buffer to 10 feet on the west side is not reasonable to her. Mr. Ritter replied that the property owner to the west wants to see the road go in so his property becomes more valuable. Mrs. Heilman responded that the buffers are in the code for a reason. The request is a substantial reduction of what is required.

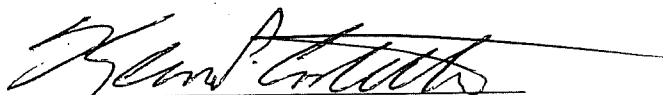
There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on June 1, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:08 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: August 17, 2016

ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff

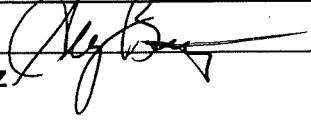
4. Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

REMARKS:

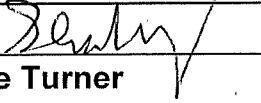
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Mardin/Othman

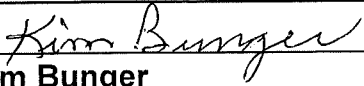
August 17, 2016


Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred


Steve Turner

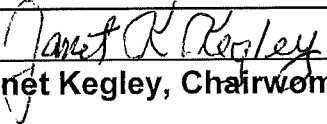
For Project Absent
 Against Project
 Abstain Deferred


Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Randy Bessler (Alternate)

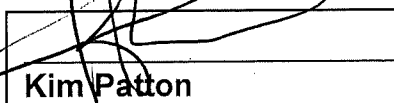
For Project Absent
 Against Project


Janet Kegley, Chairwoman

For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks, (Alternate)

For Project Absent
 Against Project
 Abstain Deferred


Kim Patton

For Project Absent
 Against Project
 Abstain Deferred

Lori Heilman (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: June 15, 2016

ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff

4. Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

REMARKS:

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Mardin/Othman

June 15, 2016

Greg Breetz

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Steve Turner

Steve Turner

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred

Kim Bunger

Kim Bunger

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred

Randy Bessler (Alternate)

For Project ___ Absent ___

Against Project ___

Janet Kegley

Janet Kegley, Chairwoman

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred

Mark Hicks, (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

Kim Patton

Kim Patton

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred

Lori Heilman (Alternate)

For Project ___ Absent ___

Against Project ___

Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT ___

___ AGAINST PROJECT ___ ABSTAIN ___

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: May 18, 2016

ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Todd Morgan, Staff

4. Request of **Osam Mardin (applicant)** for **Alex Othman (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) with a Conditional Use Permit and Variances for a 10.33 acre site located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The request is for a zone change and conditional use permit to allow an auto auction facility and related improvements and variances to reduce the perimeter and vehicular use area landscaping requirements.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Mardin/Othman

May 18, 2016

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Steve Turner

Steve Turner

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Kim Bunger

Kim Bunger

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Randy Bessler (Alternate)

For Project ___ Absent ___
 Against Project ___

Janet Kegley

Janet Kegley, Chairwoman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Mark Hicks, (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Kim Patton

Kim Patton

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred

Lori Heilman

Lori Heilman (Alternate)

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT ___
 ___ AGAINST PROJECT ___ ABSTAIN ___

SUPPORTING INFORMATION

~~EXHIBIT B~~

GROUP No. 2008

PARCEL B.

Located in Boone County, Kentucky, lying on the north side of Interstate Highway 275 east of Kentucky Highway 237 and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar eighteen inches in length with a plastic cap stamped "PLS 3357". All bearings referred to herein are based the Kentucky State Plane Coordinate System, North Zone, North American Datum of 1983.

Beginning at an iron pin (set) in the north right-of-way line of Interstate Highway 275 at the common corner of Richard Lynn Anderson (Deed Book 915, page 938) and Galen McGlasson, et al (Deed Book 484, page 205); thence with the common line of Anderson and McGlasson N 49°32'39" E 853.20 feet to an iron pin (set) in the south line of The Hillside Trust (Deed Book 338, page 17); thence with the common line of Anderson and The Hillside Trust S 29°35'47" E 837.26 feet to an iron pin (set) at the common corner of Anderson and Larry McGlasson (Deed Book 249, page 42); thence with the common line of Anderson and McGlasson S 47°57'21" W 247.98 feet to an iron pin (set) in the north right-of-way line of Interstate Highway 275; thence with said right-of-way line N 67°30'30" W 293.66 feet to point; thence N 69°24'31" W 648.68 feet to the point of beginning containing 10.375 acres and being subject to all right-of-ways and easements of record.

Being all of the remaining portion of Parcel II lying on the north side of Interstate Highway 275 conveyed to Richard Lynn Anderson and Deborah Anderson, husband and wife, by deed recorded in Deed Book 915, page 938, in the Boone County Clerk's Office in Burlington, Kentucky.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, November 2006.

BOONE COUNTY D998 PG 177

DOCUMENT NO: 577936
 RECORDED ON: OCTOBER 25, 2011 @ 11:10:50PM
 TOTAL FEES: 120.00
 TRANSFER TAX: \$112.00
 GROUP #: 2008
 COUNTY CLERK: KENNY BROWN
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: JULIE SPALDING
 BOOK D998 PAGES 174 - 177

ORDINANCE NO. 2016 - 21

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, DENYING A REQUEST OF OSAM MARDIN (APPLICANT) FOR ALEX OTHMAN (OWNER) FOR A ZONING MAP AMENDMENT AND A CONDITIONAL USE PERMIT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND COMMERCIAL SERVICES (C-3) TO INDUSTRIAL ONE (I-1); THE CONDITIONAL USE PERMIT BEING TO ALLOW AN AUTO AUCTION FACILITY AND RELATED IMPROVEMENTS; ALL FOR A 10.33 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF I-275 AND APPROXIMATELY 1,200 FEET EAST OF THE TERMINUS OF SOUTH PARK DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and a Conditional Use Permit to allow an auto auction facility and related improvements, and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1) for a 10.33 acre site generally located on the north side of I-275 and approximately 1,200 feet east of the terminus of Southpark Drive, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending denial for the Zoning Map Amendment and a Conditional Use Permit to allow an auto auction facility and related improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION ONE

That the request for a Zoning Map Amendment and a Conditional Use Permit for the real estate which is more particularly described below shall be and is hereby denied. The Zoning Map Amendment being requested is a zone change from Suburban Residential One (SR-1) and Commercial Services (C-3) to Industrial One (I-1); the Conditional Use Permit being requested is to allow an auto auction facility and related improvements; all for a 10.33 acre site generally located on the north side of I-275 and approximately 1,200' east of the terminus of Southpark Drive, Boone County, Kentucky. The real estate which is the subject of this request is more particularly described in DEED BOOK 998, PAGE NO.174 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION TWO

That a basis for the denial of the Zoning Map Amendment and a Conditional Use Permit are the findings of fact of the Boone County Planning Commission as set forth in its Minutes and official records and same are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended denial of this request based on the findings of fact as set forth in the Committee Report and same are marked as "Exhibit B."


SECTION THREE

This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Adopted this 15th day of November, 2016

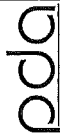
First Reading - the 18th day of October, 2016

Second Reading - the 15th day of November, 2016 Yes 4 No 0


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

Attest:


Sharon Burcham,
Fiscal Court Clerk

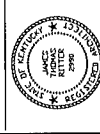


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 ZONING MAP
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 FOR
 NEW CAR
 AUCTION
 FACILITY
 SOUTH PARK DR.
 HEBRON, KY
 41048

client
 ALEX OTHMAN
 1794
 AIRPORT EXCHANGE
 BLVD.
 ERLANGER, KY
 41018

sec01



revisions

drawn / approved

date

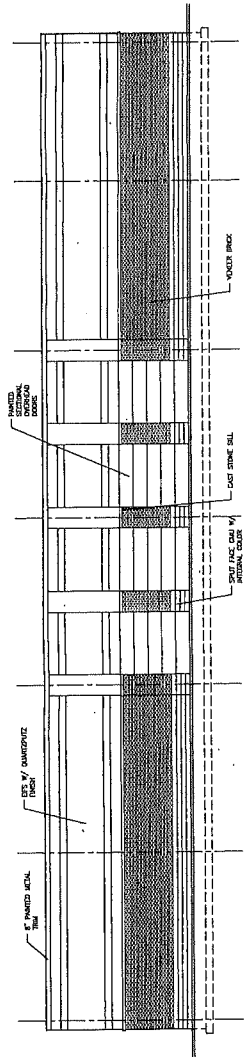
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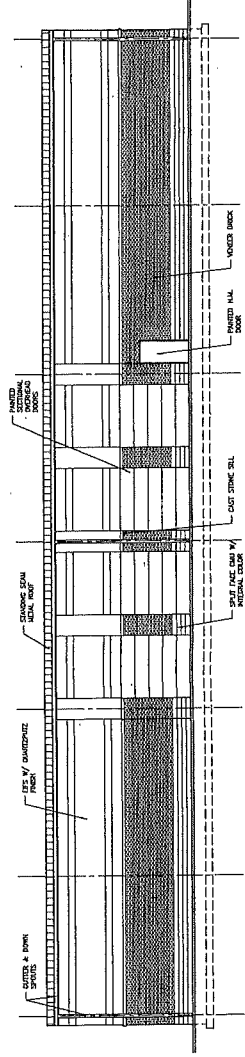
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Z-4

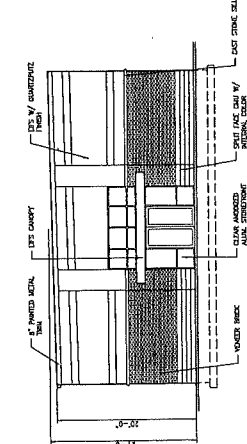
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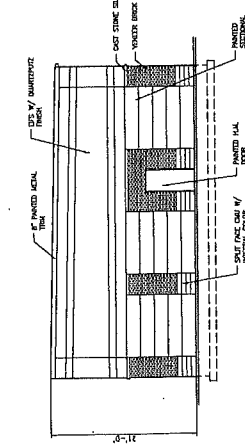
SOUTH ELEVATION
 SCALE 1/8" = 1'-0"



NORTH ELEVATION
 SCALE 1/8" = 1'-0"



WEST ELEVATION
 SCALE 1/8" = 1'-0"



EAST ELEVATION
 SCALE 1/8" = 1'-0"



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 1794
 AIRPORT EXCHANGE
 BLVD.
 ERLANGER, KY
 41018

seal



DATE: 11/11/2016
 DRAWN BY: J. W. BROWN
 APPROVED BY: J. W. BROWN

revisions

NO.	DATE	DESCRIPTION
1	11/11/2016	ISSUE FOR PERMIT

drawn / approved

J.W. BROWN

date

05 APR 2016

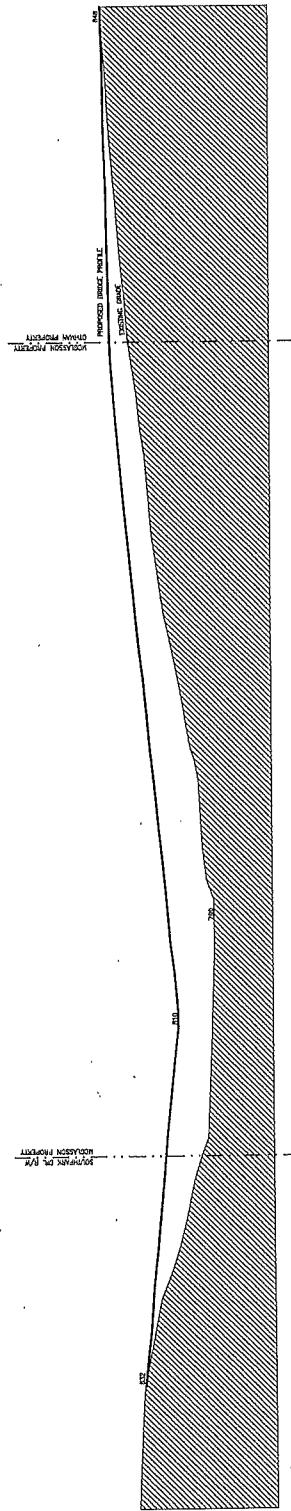
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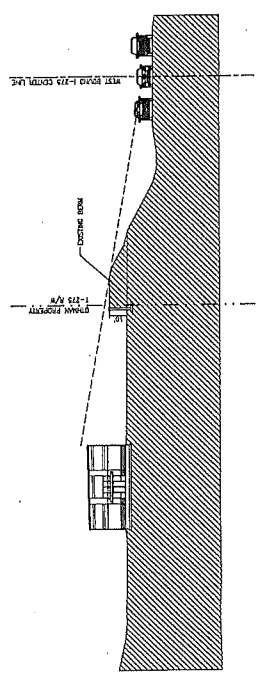
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Z-5

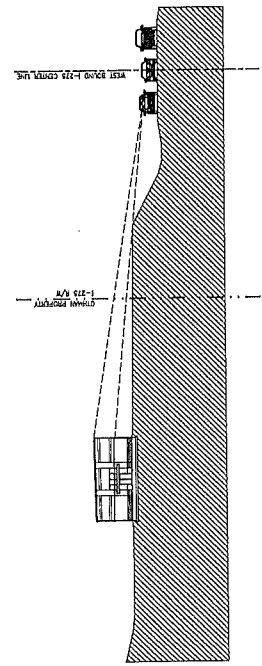
of 5



BRIDGE PROFILE
 SCALE 1" = 36'-0"



SITE PROFILE TO I-275
 SCALE 1" = 36'-0"



SITE PROFILE TO I-275
 SCALE 1" = 36'-0"